U.S. Department
of Transportation
**Federal Aviation
Administration**

Federal Aviation Regulations

Part 145
Repair Stations

This edition replaces the existing loose-leaf Part 145 and its changes.

This FAA publication of the basic Part 145, effective September 17, 1962, incorporates Amendments 145–1 through 145–21 with preambles.

Published
August 1993

Adoption of Subchapter H

Adopted: July 6, 1962 **Effective: September 17, 1962**

This amendment adds Subchapter H "Schools and Other Certificated Agenices' to chapter I of Title 14 of the Code of Fedearal Regulations. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulation'' to replace the present "Civil Air Regulations" and "Regulations of the Administrator".

During the life of the recodification project, Chapter I of Title 14 may contain more than one Part bearing the same number. To differentiate between the two, the remodified Parts, such as the ones in this subchapter, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

Subchapter H [New] was published as a notice of proposed rule making in the Federal Register on April 19, 1962 (27 FR 3756), and circulated as Draft Release 62–1 6.

Some of the comments received recommend specific substantive changes to the regulations. Although some of the recommendation might, upon further study, appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose of the program is simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. To attempt substantive change (other than minor, relaxatory ones that are completely noncontroversial) would delay the project and would be contrary to the ground rules specified for it in the Federal Register on November 15, 1961 (26 FR 10698) and Draft Release 61–25. However, all comments of this nature will be preserved and considered in any later substantive revision of the affected Parts. As a result, with one exception, no change has been made in the substance of the rules contained in the notice of proposed rule making. The exception' is a clarification and relaxation of the rule relating to work performed off station bv repair stations. A new subparagraph (d) has been added to section 145.5 1 to make it clear that a certificated repair station may under quality controlled circumstances perform maintenance or alteration at a place other that repair station. One other major change, although not substantive, is the details of mechanic school curricula, and their replacement by language based on CAR section 58.40 and 58.41. The deleted material was not mandatory and will be considered for inclusion in the Agency Advisory Circular System.

Other comments received suggested changes in style or format or in technical wording. These comments were carefully considered and, where consistent with the style, format, and terminology of the recodification project, were adopted.

The definitions, abbreviations, and rules of construction contained in Part I [New] published in the Federal Register on May 15, 1962 (27 FR 4587) apply to the new Subchapter l-l.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Chapter I of Title 14 is amended by deleting Parts 50, 5 i, 53, and 54 and by adding Subchapter H [New] *reading as hereinafter set forth, effective September 17, 1962.

This amendment is made under the authority of sections 313(a), 314, 601,and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

Amendment 145–1

Repair Stations [New]

Adopted: November 21, 1962 **Effective: November 28, 1962**

(Published in 27 FR 11692, November 28, 1962, effective November 28, 1962)

The FAA published as a notice of proposed rule making and circulated as Federal Aviation Regulations Draft Release 62–16, dated April 13, 1962 (27 FR 3756), a proposal to recodify Parts 50, 5 1, 52, 53, and 54 of the Civil Air Regulations by adding to the federal aviation Regulations a new Subchapter H. The proposed Part 145 "Repair Station" [New] of Subchapter H contained a footnote that stated

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the specifications of the Radio Technical Commission for Aeronautics and Part 9 of the regulations of the Federal Communications Commission.

Section 145.23 presently states that formal inspections of repair stations are normally made once a year. However, the Agency has determined that annual inspections are not necessary for all repair stations. Therefore, it is considered appropriate to remove the implications that annual inspections are required or are in fact made by the Agency. Under the amended rule, as under the present rule, the Administrator retains the authority to inspect repair stations at any time.

Under the present provisions of § 145.1 l(a), an applicant for a repair station certificate is required to submit copies of employment summaries for certain of its personnel with the application. In addition, under § 145.43, the repair station is required to provide employment summaries on the same personnel and to send such summaries along with a roster of its personnel to the Administrator for evaluation and thereafter to keep them subject to inspection by the Administrator. The Agency has now determined that since repair stations must provide employment summaries and rosters under § 145.43 and keep them for inspection by the Agency, there is no need for the applicants for repair station certificates to submit such summaries with their applications or for the submission of such summaries and rosters to the Administrator for evaluation. For this reason, the provisions of § 145.1 l(a)(l) have been deleted and the requirements of § 145.43(d) have been amended to require only that repair stations shall keep the required roster and employment summaries subject to inspection by the Administrator upon his request.

Finally, § 145.57(b) refers repair stations with radio ratings to Part 9 of the regulations of the Federal Communications Commission in connection with radio transmitter frequency tolerances. However, the manufacturers' specifications or instructions which such repair stations are required to use take into consideration the tolerances established under the FCC regulations in showing the maximum frequency deviations applicable to their equipment. Therefore, the Agency considers the subject reference to Part 9 unnecessary and confusing and it has been deleted. In addition to the foregoing, domestic repair stations with radio ratings are required to use test apparatus, shop equipment, performance standards, test methods, alterations, and calibrations that conform to, among other, FAA accepted specifications of the Radio Technical Commission for Aeronautics and accepted good practices of the aircraft radio industry. Since the specifications of the RTCA are also accepted good practices of the industry, the reference to such specification is redundant and has been deleted from the section.

Since the amendments set forth herein involve Agency procedure or are minor changes of an editorial nature and since they impose no additional burden on any person, notice and public procedure hereon are necessary and they may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 145 of the Federal Aviation Regulations is amended effective June 21, 1966.

The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

These amendments are made under the authority of sections 3 13(a), 601 and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1427).

Amendment145–6

Cross Reference Corrections in FAR Parts 21, 33, 37, 43, 61, 63, 91, 127, 133, 141, 145, 149, and 183

Adopted: June 28, 1966 **Effective: July 6, 1966**

(Published in 31FR 9211, July 6, 1966)

These amendments update certain cross references in the Federal Aviation Regulations and make other miscellaneous corrections.

'At the time of the recodification, it was necessary to include in the Federal Aviation Regulations cross references to the Civil Air Regulations or Special Civil Air Regulations where the referenced provision had not yet been recodified. These amendments update all these cross references in instances where no substantive change is involved. In some instances, the cross references as updated herein have been anticipated in compilations and reprints of the respective Parts of the regulations.

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Several comments were received which questioned the meaning of the words "imminent hazard to fight." It appears that these commentators are primarily concerned with the word "imminent" and with the difficulty in administering such a requirement. The FAA appreciates the concern expressed in these comments. As one commentator correctly indicated, the Notice related the information concerning failures, malfunctions, and defects which the FAA proposed to require the manufacturers to furnish, to the same such information the air carriers are currently required to report. Thus, the manufacturers should report any failure, malfunction, or defect that could result in a hazard to flight, without the necessity of deciding whether the hazard is an "imminent" one. The final rule has been revised accordingly.

In the light of the various comments and after further consideration, the FAA has decided that it would not be appropriate to prescribe a form on which manufacturers would be required to report under §§ 21.3 and 37.7. The FAA now considers that the manufacturers should report in the most expeditious manner using any method of communication available to them.

Comments were also received suggesting that the FAA should not be notified of a failure, malfunction, or defect until after the problem is solved, or until after the customer has been notified by the manufacturer. Another commentator recommended that the proposal be withdrawn and that there be closer liaison between the FAA and the manufacturers rather, than regulations. The purpose of the proposal as expressed in Notice 69–12, is to provide the FAA with the earliest possible notification of failures, malfunctions, or defects in order that the FAA may take appropriate mandatory action, such as the issuance of an Airworthiness Directive. The FAA has no desire to alter existing manufacturer-customer relationships and closer liaison with manufacturers has always been sought by the FAA. However, neither of these recommendations provide a substitute for the proposed regulations.

Several commentators pointed out that many persons holding operating certificates under Parts 121 and 127 also hold STC's and STO authorizations. They point out that these persons would be required to report the same failure, malfunctions, or defect under both the operating rules and the proposed regulation and that this dual reporting requirement is unnecessary. The FAA agrees with this comment. Moreover, the same would apply to persons holding operating certificates under Part 135 as a result of Amendment 135–12 (34 FR 19130). Therefore, the final rule provides that failures, malfunctions, or defects already reported under §§ 21.3 or 37.17 need to be reported under §§ 121.703, 127.313, or 135.57. A similar provision for manufacturers holding domestic repair station certificates was proposed in Notice 69–12 and the same relief has been provided in the final rule (by amendment to the foreign repair station regulations) to cover U.S. manufacturers holding foreign repair station certificates.

Finally, there was a comment from a foreign type certificate holder stating that the regulation is not clear as to the agency to whom foreign holders must report. The comment indicated that it would be contrary to accepted practice to report to the FAA directly and that reporting is usually accomplished through their national regulatory authorities. The FAA agrees. There are existing means by which the FAA obtains the necessary information regarding failures, malfunctions, or defects for foreign manufactured parts and products from the appropriate authorities in the country of manufacture. The FAA does not consider that it is necessary or appropriate to apply the proposed rule to foreign manufacturers at this time.

In consideration of the foregoing, Parts 21, 37, 121, 127, 135, and 145 of the Federal Aviation Regulations are amended, effective April 2, 1970.

These amendments are made under the authority of sections 313(a), 601, 603, 604, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424, and 1‘427), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Amendment145–10

Reporting Requirements for Manufacturers; Failures, Malfunctions, and Defects. Extension of Effective Date

Adopted: March 24, 1970 **Effective: March 24, 1970**

(Published in 35 FR 5319, March 31, 1970)

The purpose of this amendment is to extend to July 2, 1970, the effective date of the recently adopted regulation requiring manufactures to report certain failures, malfunctions, or defects in the products or articles which they manufacture.

Several comments were received which questioned the meaning of the words "imminent hazard to fight." It appears that these commentators are primarily concerned with the word "imminent" and with the difficulty in administering such a requirement. The FAA appreciates the concern expressed in these comments. As one commentator correctly indicated, the Notice related the information concerning failures, malfunctions, and defects which the FAA proposed to require the manufacturers to furnish, to the same such information the air carriers are currently required to report. Thus, the manufacturers should report any failure, malfunction, or defect that could result in a hazard to flight, without the necessity of deciding whether the hazard is an "imminent" one. The final rule has been revised accordingly.

In the light of the various comments and after further consideration, the FAA has decided that it would not be appropriate to prescribe a form on which manufacturers would be required to report under §§ 21.3 and 37.7. The FAA now considers that the manufacturers should report in the most expeditious manner using any method of communication available to them.

Comments were also received suggesting that the FAA should not be notified of a failure, malfunction, or defect until after the problem is solved, or until after the customer has been notified by the manufacturer. Another commentator recommended that the proposal be withdrawn and that there be closer liaison between the FAA and the manufacturers rather, than regulations. The purpose of the proposal as expressed in Notice 69–12, is to provide the FAA with the earliest possible notification of failures, malfunctions, or defects in order that the FAA may take appropriate mandatory action, such as the issuance of an Airworthiness Directive. The FAA has no desire to alter existing manufacturer-customer relationships and closer liaison with manufacturers has always been sought by the FAA. However, neither of these recommendations provide a substitute for the proposed regulations.

Several commentators pointed out that many persons holding operating certificates under Parts 121 and 127 also hold STC's and STO authorizations. They point out that these persons would be required to report the same failure, malfunctions, or defect under both the operating rules and the proposed regulation and that this dual reporting requirement is unnecessary. The FAA agrees with this comment. Moreover, the same would apply to persons holding operating certificates under Part 135 as a result of Amendment 135–12 (34 FR 19130). Therefore, the final rule provides that failures, malfunctions, or defects already reported under §§ 21.3 or 37.17 need to be reported under §§ 121.703, 127.313, or 135.57. A similar provision for manufacturers holding domestic repair station certificates was proposed in Notice 69–12 and the same relief has been provided in the final rule (by amendment to the foreign repair station regulations) to cover U.S. manufacturers holding foreign repair station certificates.

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In consideration of the foregoing, Parts 21, 37, 121, 127, 135, and 145 of the Federal Aviation Regulations are amended, effective April 2, 1970.

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In consideration of the foregoing, Parts 21, 37, 121, 127, 135, and 145 of the Federal Aviation Regulations are amended, effective April 2, 1970.

These amendments are made under the authority of sections 313(a), 601, 603, 604, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424, and 1‘427), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Amendment145–10

Reporting Requirements for Manufacturers; Failures, Malfunctions, and Defects. Extension of Effective Date

Adopted: March 24, 1970 **Effective: March 24, 1970**

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Amendment 145–14

Equipment Material Requirements for Radio Rated Repair Stations

Adopted: December 11, 1970 **Effective: March 24, 1971**

(Published in 35 FR 19349, December 22, 1970)

The purpose of these amendments to Appendix A of Part 145 of the Federal Aviation Regulations is to update the minimum material and equipment requirements for all classes of radio ratings.

These amendments are based on a Notice of Proposed Rule Making (Notice 70–10) published in the Federal Register on March 13, 1970, (35 FR 4523). Several comments were received in response to the Notice and consideration has been given to all relevant matter presented.

One comment recommended that for a repair station holding a Class 2 rating, the repairing of speakers should be a job function which may be performed under contract by another agency. The FAA agrees. Since speakers are not common components of navigation radio systems, it is reasonable to permit speaker repairs to be performed by another agency and the regulation has been revised accordingly.

One comment objected to retaining. "The determination and compensation for quadrantal error in aircraft direction finder equipment' ' as a job function under a Class 2 rating. It was pointed out that quadrantal error determination in automatic direction finders should be, and in the majority of instances is, determined by the manufacturer of the particular equipment in close association with airframe manufacturers. However, the FAA is aware that there are instances where manufacturers do not provide the required information for retrofit installations on older aircraft. Therefore, Class 2 rated repair stations must have the equipment necessary to perform this function.

Another comment recommended that repair stations should have the equipment necessary to test pressure sensitive components. However, it appears that this recommendation is based solely on difficulties involving air carrier airplanes. The maintenance on such airplanes is performed in accordance with the air carrier's maintenance manual and the requirements of Part 121. Therefore, the FAA does not consider that it is necessary to add such a requirement to Part 145.

A comment was also received indicating that the regulations need clarification since DME and transponder equipment could both come within the scope of Class 1, 2, or 3. The FAA does not agree with this comment. DME and transponder equipment operate on radar and pulse radio frequency principals and under the provisions of cc§ 145.31, such equipment is covered by a Class 3 rating only.

It was suggested by one commentator that since loop antenna sensitivity by appropriate methods", should be deleted as a job function under a Class 2 rating. The FAA does not agree. While the air carriers may, a matter of practice, return the loop antenna to the vendor for the measuring of sensitivity, this is not the practice of general aviation operators. Therefore, repair stations holding a Class 2 rating need the equipment necessary to perform that job function.

One commentator stated that no commercial radar system in use today requires pressurization with dry air, or nitrogen, and recommended that this job function should be deleted from Class 3 rating. The FAA does not agree. There are radar systems in use today in general aviation operations which require pressurization with dry air, nitrogen, or other gases. Therefore, a repair station holding a Class 3 rating must have the equipment necessary to perform this job function.

Finally, one commentator recommended that the painting and refinishing of containers; the making and reproducing of drawings, wiring diagrams, and other similar material required to record alterations and/or modifications to radios; and the metal plating of transmission lines, wave guides, and similar equipment, should all be deleted as job function for repair stations. However, there was no information submitted to support these recommendations and the FAA considers that all of the job functions are appropriate. Moreover, since all of these job functions may be performed by outside agencies, the repair stations need not maintain on their premises the equipment and material necessary to perform them.

After further consideration, the FAA has decided that it is not necessary for a repair station holding a Class 2 rating to provide the equipment and material necessary for performing the job function of testing and repairing microphones and the proposed requirement is withdrawn.

In consideration of the foregoing, paragraph (d) of Appendix A of Part 145 of the Federal Aviation Regulations is amended, effective March 24, 1971.

Amendment 145–14

Equipment Material Requirements for Radio Rated Repair Stations

Adopted: December 11, 1970 **Effective: March 24, 1971**

(Published in 35 FR 19349, December 22, 1970)

The purpose of these amendments to Appendix A of Part 145 of the Federal Aviation Regulations is to update the minimum material and equipment requirements for all classes of radio ratings.

These amendments are based on a Notice of Proposed Rule Making (Notice 70–10) published in the Federal Register on March 13, 1970, (35 FR 4523). Several comments were received in response to the Notice and consideration has been given to all relevant matter presented.

One comment recommended that for a repair station holding a Class 2 rating, the repairing of speakers should be a job function which may be performed under contract by another agency. The FAA agrees. Since speakers are not common components of navigation radio systems, it is reasonable to permit speaker repairs to be performed by another agency and the regulation has been revised accordingly.

One comment objected to retaining. "The determination and compensation for quadrantal error in aircraft direction finder equipment' ' as a job function under a Class 2 rating. It was pointed out that quadrantal error determination in automatic direction finders should be, and in the majority of instances is, determined by the manufacturer of the particular equipment in close association with airframe manufacturers. However, the FAA is aware that there are instances where manufacturers do not provide the required information for retrofit installations on older aircraft. Therefore, Class 2 rated repair stations must have the equipment necessary to perform this function.

Another comment recommended that repair stations should have the equipment necessary to test pressure sensitive components. However, it appears that this recommendation is based solely on difficulties involving air carrier airplanes. The maintenance on such airplanes is performed in accordance with the air carrier's maintenance manual and the requirements of Part 121. Therefore, the FAA does not consider that it is necessary to add such a requirement to Part 145.

A comment was also received indicating that the regulations need clarification since DME and transponder equipment could both come within the scope of Class 1, 2, or 3. The FAA does not agree with this comment. DME and transponder equipment operate on radar and pulse radio frequency principals and under the provisions of cc§ 145.31, such equipment is covered by a Class 3 rating only.

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One commentator stated that no commercial radar system in use today requires pressurization with dry air, or nitrogen, and recommended that this job function should be deleted from Class 3 rating. The FAA does not agree. There are radar systems in use today in general aviation operations which require pressurization with dry air, nitrogen, or other gases. Therefore, a repair station holding a Class 3 rating must have the equipment necessary to perform this job function.

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After further consideration, the FAA has decided that it is not necessary for a repair station holding a Class 2 rating to provide the equipment and material necessary for performing the job function of testing and repairing microphones and the proposed requirement is withdrawn.

In consideration of the foregoing, paragraph (d) of Appendix A of Part 145 of the Federal Aviation Regulations is amended, effective March 24, 1971.

Amendment 145–14

Equipment Material Requirements for Radio Rated Repair Stations

Adopted: December 11, 1970 **Effective: March 24, 1971**

(Published in 35 FR 19349, December 22, 1970)

The purpose of these amendments to Appendix A of Part 145 of the Federal Aviation Regulations is to update the minimum material and equipment requirements for all classes of radio ratings.

These amendments are based on a Notice of Proposed Rule Making (Notice 70–10) published in the Federal Register on March 13, 1970, (35 FR 4523). Several comments were received in response to the Notice and consideration has been given to all relevant matter presented.

One comment recommended that for a repair station holding a Class 2 rating, the repairing of speakers should be a job function which may be performed under contract by another agency. The FAA agrees. Since speakers are not common components of navigation radio systems, it is reasonable to permit speaker repairs to be performed by another agency and the regulation has been revised accordingly.

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After further consideration, the FAA has decided that it is not necessary for a repair station holding a Class 2 rating to provide the equipment and material necessary for performing the job function of testing and repairing microphones and the proposed requirement is withdrawn.

In consideration of the foregoing, paragraph (d) of Appendix A of Part 145 of the Federal Aviation Regulations is amended, effective March 24, 1971.

Amendment 145–14

Equipment Material Requirements for Radio Rated Repair Stations

Adopted: December 11, 1970 **Effective: March 24, 1971**

(Published in 35 FR 19349, December 22, 1970)

The purpose of these amendments to Appendix A of Part 145 of the Federal Aviation Regulations is to update the minimum material and equipment requirements for all classes of radio ratings.

These amendments are based on a Notice of Proposed Rule Making (Notice 70–10) published in the Federal Register on March 13, 1970, (35 FR 4523). Several comments were received in response to the Notice and consideration has been given to all relevant matter presented.

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After further consideration, the FAA has decided that it is not necessary for a repair station holding a Class 2 rating to provide the equipment and material necessary for performing the job function of testing and repairing microphones and the proposed requirement is withdrawn.

In consideration of the foregoing, paragraph (d) of Appendix A of Part 145 of the Federal Aviation Regulations is amended, effective March 24, 1971.

***Proposed** 4–10.* Although there were no unfavorable comments to the proposed revision of Appendix A of Part 63, the FAA believes the proposal should be withdrawn since a substantial portion of the rule was inadevertently omitted. Accordingly, the proposal to revise Appendix A of Part 63 is withdrawn.

***Proposed** 4–11.* For a discussion of comments relating to the proposal to amend § 65.13 and for the disposition of that proposal, see Proposal 4–4.

***Proposed** 4–12.* Thirty-nine comments objected to the proposed amendments to § 65.19. Many comments objected to limiting the number of retests to one within 30 days as proposed in § 65.19(b) in case of an applicant's first failure. These commenters stated that this restriction would place an unnecessary burden on applicants by increasing the time for certification without a commensurate increase in benefits or safety. Upon further review, the FAA agrees and thephrase "In the case of an applican'ts first failure" in proposed § 65.19(b) is deleted.

The proposed change to § 65.19(b) with respect to the phrase "In the case of an applicant's first failure" is identical to the proposed change to §§ 63.41(b) and 63.59(a)(2) in Proposals 4–6 and 4-9 respectively. Accordingly, the proposed change to § 63.41(b) is withdrawn and the proposed change to § 64.59(a)(2) is amended to delete the above phrase.

Several commenters objected to proposed § 65.19(b) because it denied certified ground instructors the privilege of giving additional instruction to applicants in preparing them for retesting. The commenters stated that ground instructors were the only persons, other than flight instructors, who have been tested on their ability to teach various technical subjects. The FAA does not issue ground instructor ratings which are appropriate to teach air traffic control tower operator, aircraft dispatcher, parachute rigger, or mechanic applicants.

Since aviation safety and public interest demands that only persons who have demonstrated their technical knowledge and skill for a particular certificate should be qualified to provide instruction and certify competency for that certificate, the FAA believes the instructor must possess at least the same certificate and rating that the applicant is seeking to obtain. Accordingly, the proposal to amend § 65.19 is adopted as proposed with the revision discussed above.

***Proposal** 4–13.* One commenter believed § 91.8 should be further expanded to include the prohibition against the interference with flight crewmembers before the aircraft is boarded. Since such a prohibition would be difficult to enforce and could give rise to jurisdictional problems, the FAA does not consider this prohibition a proper subject for rulemaking.

One commenter stated that proposed § 91.8(b) could apply to an aircraft owner who might ask the pilot to alter course or change destination. The commenter suggests clarifying the language. Another commenter expressed concern for the proposed wording of § 91.8(b) since it appears that a pilot examiner would be in violation by asking a private pilot applicant to divert from a course during a flight test. This was not the FAA's intent. The prohibition was directed toward unreasonable requirements, such as hijacking or requiring a change under duress. However, after further review, the FAA believes § 91.8(b) is not necessary since these acts are provided for in § 91.8(a). Accordingly, the proposal is adopted with the revisions discussed.

Proposal** 4–14.* ***No unfavorable comments were received on the proposal to revise § 91.15(a)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 4–15. ***No*** unfavorable comments were received on the proposal to revise § 91.17. Accordingly, the proposal is adopted without substantive change.

***Proposal** 4–16.* No unfavorable comments were received on the proposal to revise § 9 1.18(a). Accordingly, the proposal is adopted without substantive change.

***Proposal** 4–17.* No unfavorable comments were received on the proposal to revise § 91.43(b). Accordingly, the proposal is adopted without substantive change.

***Proposal** 4–18.* One commenter disagreed with the proposed revision to § 91.52(d)(2 that would require the new expiration date for replacement (or recharge) of the emergency locator transmitter's battery to be entered in the aircraft maintenance record and suggested the use of a placard located inside the cabin as a better solution. The FAA believes that a maintenance record entry is a more reliable method of determining the replacement date than a placard. Accordingly, proposed § 91.52(d)(2) is adopted without substantive change.

***Proposal** 4–19.* Several commenters contended that proposed § 91.73(d) would be too restrictive and does not allow sufficient discretionary authority to the pilot in command as to when the anticollision lights should or should not be lighted. They state that the use of a strobe light as an anticollision

***Proposed** 4–10.* Although there were no unfavorable comments to the proposed revision of Appendix A of Part 63, the FAA believes the proposal should be withdrawn since a substantial portion of the rule was inadevertently omitted. Accordingly, the proposal to revise Appendix A of Part 63 is withdrawn.

***Proposed** 4–11.* For a discussion of comments relating to the proposal to amend § 65.13 and for the disposition of that proposal, see Proposal 4–4.

***Proposed** 4–12.* Thirty-nine comments objected to the proposed amendments to § 65.19. Many comments objected to limiting the number of retests to one within 30 days as proposed in § 65.19(b) in case of an applicant's first failure. These commenters stated that this restriction would place an unnecessary burden on applicants by increasing the time for certification without a commensurate increase in benefits or safety. Upon further review, the FAA agrees and thephrase "In the case of an applican'ts first failure" in proposed § 65.19(b) is deleted.

The proposed change to § 65.19(b) with respect to the phrase "In the case of an applicant's first failure" is identical to the proposed change to §§ 63.41(b) and 63.59(a)(2) in Proposals 4–6 and 4-9 respectively. Accordingly, the proposed change to § 63.41(b) is withdrawn and the proposed change to § 64.59(a)(2) is amended to delete the above phrase.

Several commenters objected to proposed § 65.19(b) because it denied certified ground instructors the privilege of giving additional instruction to applicants in preparing them for retesting. The commenters stated that ground instructors were the only persons, other than flight instructors, who have been tested on their ability to teach various technical subjects. The FAA does not issue ground instructor ratings which are appropriate to teach air traffic control tower operator, aircraft dispatcher, parachute rigger, or mechanic applicants.

Since aviation safety and public interest demands that only persons who have demonstrated their technical knowledge and skill for a particular certificate should be qualified to provide instruction and certify competency for that certificate, the FAA believes the instructor must possess at least the same certificate and rating that the applicant is seeking to obtain. Accordingly, the proposal to amend § 65.19 is adopted as proposed with the revision discussed above.

***Proposal** 4–13.* One commenter believed § 91.8 should be further expanded to include the prohibition against the interference with flight crewmembers before the aircraft is boarded. Since such a prohibition would be difficult to enforce and could give rise to jurisdictional problems, the FAA does not consider this prohibition a proper subject for rulemaking.

One commenter stated that proposed § 91.8(b) could apply to an aircraft owner who might ask the pilot to alter course or change destination. The commenter suggests clarifying the language. Another commenter expressed concern for the proposed wording of § 91.8(b) since it appears that a pilot examiner would be in violation by asking a private pilot applicant to divert from a course during a flight test. This was not the FAA's intent. The prohibition was directed toward unreasonable requirements, such as hijacking or requiring a change under duress. However, after further review, the FAA believes § 91.8(b) is not necessary since these acts are provided for in § 91.8(a). Accordingly, the proposal is adopted with the revisions discussed.

Proposal** 4–14.* ***No unfavorable comments were received on the proposal to revise § 91.15(a)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 4–15. ***No*** unfavorable comments were received on the proposal to revise § 91.17. Accordingly, the proposal is adopted without substantive change.

***Proposal** 4–16.* No unfavorable comments were received on the proposal to revise § 9 1.18(a). Accordingly, the proposal is adopted without substantive change.

***Proposal** 4–17.* No unfavorable comments were received on the proposal to revise § 91.43(b). Accordingly, the proposal is adopted without substantive change.

***Proposal** 4–18.* One commenter disagreed with the proposed revision to § 91.52(d)(2 that would require the new expiration date for replacement (or recharge) of the emergency locator transmitter's battery to be entered in the aircraft maintenance record and suggested the use of a placard located inside the cabin as a better solution. The FAA believes that a maintenance record entry is a more reliable method of determining the replacement date than a placard. Accordingly, proposed § 91.52(d)(2) is adopted without substantive change.

***Proposal** 4–19.* Several commenters contended that proposed § 91.73(d) would be too restrictive and does not allow sufficient discretionary authority to the pilot in command as to when the anticollision lights should or should not be lighted. They state that the use of a strobe light as an anticollision

***Proposed** 4–10.* Although there were no unfavorable comments to the proposed revision of Appendix A of Part 63, the FAA believes the proposal should be withdrawn since a substantial portion of the rule was inadevertently omitted. Accordingly, the proposal to revise Appendix A of Part 63 is withdrawn.

***Proposed** 4–11.* For a discussion of comments relating to the proposal to amend § 65.13 and for the disposition of that proposal, see Proposal 4–4.

***Proposed** 4–12.* Thirty-nine comments objected to the proposed amendments to § 65.19. Many comments objected to limiting the number of retests to one within 30 days as proposed in § 65.19(b) in case of an applicant's first failure. These commenters stated that this restriction would place an unnecessary burden on applicants by increasing the time for certification without a commensurate increase in benefits or safety. Upon further review, the FAA agrees and thephrase "In the case of an applican'ts first failure" in proposed § 65.19(b) is deleted.

The proposed change to § 65.19(b) with respect to the phrase "In the case of an applicant's first failure" is identical to the proposed change to §§ 63.41(b) and 63.59(a)(2) in Proposals 4–6 and 4-9 respectively. Accordingly, the proposed change to § 63.41(b) is withdrawn and the proposed change to § 64.59(a)(2) is amended to delete the above phrase.

Several commenters objected to proposed § 65.19(b) because it denied certified ground instructors the privilege of giving additional instruction to applicants in preparing them for retesting. The commenters stated that ground instructors were the only persons, other than flight instructors, who have been tested on their ability to teach various technical subjects. The FAA does not issue ground instructor ratings which are appropriate to teach air traffic control tower operator, aircraft dispatcher, parachute rigger, or mechanic applicants.

Since aviation safety and public interest demands that only persons who have demonstrated their technical knowledge and skill for a particular certificate should be qualified to provide instruction and certify competency for that certificate, the FAA believes the instructor must possess at least the same certificate and rating that the applicant is seeking to obtain. Accordingly, the proposal to amend § 65.19 is adopted as proposed with the revision discussed above.

***Proposal** 4–13.* One commenter believed § 91.8 should be further expanded to include the prohibition against the interference with flight crewmembers before the aircraft is boarded. Since such a prohibition would be difficult to enforce and could give rise to jurisdictional problems, the FAA does not consider this prohibition a proper subject for rulemaking.

One commenter stated that proposed § 91.8(b) could apply to an aircraft owner who might ask the pilot to alter course or change destination. The commenter suggests clarifying the language. Another commenter expressed concern for the proposed wording of § 91.8(b) since it appears that a pilot examiner would be in violation by asking a private pilot applicant to divert from a course during a flight test. This was not the FAA's intent. The prohibition was directed toward unreasonable requirements, such as hijacking or requiring a change under duress. However, after further review, the FAA believes § 91.8(b) is not necessary since these acts are provided for in § 91.8(a). Accordingly, the proposal is adopted with the revisions discussed.

Proposal** 4–14.* ***No unfavorable comments were received on the proposal to revise § 91.15(a)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 4–15. ***No*** unfavorable comments were received on the proposal to revise § 91.17. Accordingly, the proposal is adopted without substantive change.

***Proposal** 4–16.* No unfavorable comments were received on the proposal to revise § 9 1.18(a). Accordingly, the proposal is adopted without substantive change.

***Proposal** 4–17.* No unfavorable comments were received on the proposal to revise § 91.43(b). Accordingly, the proposal is adopted without substantive change.

***Proposal** 4–18.* One commenter disagreed with the proposed revision to § 91.52(d)(2 that would require the new expiration date for replacement (or recharge) of the emergency locator transmitter's battery to be entered in the aircraft maintenance record and suggested the use of a placard located inside the cabin as a better solution. The FAA believes that a maintenance record entry is a more reliable method of determining the replacement date than a placard. Accordingly, proposed § 91.52(d)(2) is adopted without substantive change.

***Proposal** 4–19.* Several commenters contended that proposed § 91.73(d) would be too restrictive and does not allow sufficient discretionary authority to the pilot in command as to when the anticollision lights should or should not be lighted. They state that the use of a strobe light as an anticollision

Proposal 4–44. No unfavorable comments were received on the proposal to add a new § 123.1 1(b)(3). Accordingly, the proposal is adopted without substantive change.

Proposal 4–45. No unfavorable comments were received on the proposal to add a new § 123.12. Accordingly, the proposal is adopted without substantive change.

Proposal 4–46. No unfavorable comments were received on the proposal to revise § 123.13. Accordingly, the proposal is adopted without substantial change.

Proposal 4–47. No unfavorable comments were received on the proposal to revise § 123.15(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4–48. No unfavorable comments were received on the proposal to revise § 123.19(c). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 123.19(c) is withdrawn.

Proposal 4–49. No unfavorable comments were received on the proposal to revise § 123.27. Accordingly, the proposal is adopted without substantive change.

Proposal 4–50. No unfavorable comments were received on the proposal to revise § 123.41(a) (1). Accordingly, the proposal is adopted without substantive change.

Proposal 4–51. No unfavorable comments were received on the proposal to revise § 127.3. Accordingly, the proposal is adopted without substantive change.

Proposal 4–52. No comments were received on the proposal to revise § 127.21(b). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 127.21(b) is withdrawn.

Proposal 4–53. No unfavorable comments were received on the proposal to revise § 127.15 1 (a). Accordingly, the proposal is adopted without substantive change.

Proposal 4–54. For a discussion of comments relating to proposed § 127.212 and for the disposition of that proposal, see Proposal 4–39.

Proposal 4–55. No unfavorable comments were received on the proposal to revise § 127.249(b). Accordingly, the proposal is adopted without substantive change.

Proposal 4–56 through 4–60. These proposals are included in the Part 135 Regulatory Review Notice 77–17; Air Taxi Operators and Commercial Operators (42 FR 43490; August 29, 1977). Comments received on the proposed amendments to Part 135 in Notice 76–28 will be considered in conjunction with other comments received in response to Notice 77–17.

Proposal 4–61. No unfavorable comments were received on the proposal to amend § 137.19(e). Accordingly, the proposal is adopted without substantive change.

Proposal 4–62. No unfavorable comments were received on the proposal to delete Part 149 "Parachute Lofts" and transfer those requirements to a new Subpart E in Part 145. However, after further review, the FAA believes the incorporation of Part 149 into Part 145 as proposed would create redundancy in the rules and cause confusion. Accordingly, the proposal to amend Part 145 is withdrawn.

Proposal 4–63. No unfavorable comments were received on the proposal to revise § 145.17(b). After further review, the FAA believes the words "surrendered, suspended, or," should be reinserted between the words "sooner" and "revoked" in § 145.17(b) since they appear in current § 145.17(b). This oversight is corrected in the adopted rule since it was not a change intended by the proposal. Accordingly, the proposal to revise § 145.17(b) is adopted as proposed except for the revision discussed above.

Proposal 4–64. No unfavorable comments were received on the proposal to amend § 145.59(a). Accordingly, the proposal isadopted without substantive change.

Proposal 4–65. No unfavorable comments were received on the proposal to revise § 147.31(c)(1) and to add a new § 147.3 1(c)(2). After further review, the FAA believes that the following editorial changes should be made: (1) in the proposed § 147.31(c)(1) and to add a new § 147.31(c)(2). After further review, the FAA believes that the following editorial changes should be made: (1) in the proposed § 147.31(c)(1)(ii) the word "accreditation" is used in place of the word "certification" which appears in current § 147.31(c)(1). This oversight is corrected in the adopted rule since it was not the intent of the proposal to change the wording to accreditation; (2) the phrase "other than the crediting school" immediately following the word "accreditation" in proposed § 147.31(c)(1)(ii) was inadvertantly omitted and has been included in the final rule. Accordingly, the proposal to revise § 147.31(c)(1) and to add a new § 147.31(c)(2) is adopted as proposed except for the revisions discussed above.

Proposal 4–44. No unfavorable comments were received on the proposal to add a new § 123.1 1(b)(3). Accordingly, the proposal is adopted without substantive change.

Proposal 4–45. No unfavorable comments were received on the proposal to add a new § 123.12. Accordingly, the proposal is adopted without substantive change.

Proposal 4–46. No unfavorable comments were received on the proposal to revise § 123.13. Accordingly, the proposal is adopted without substantial change.

Proposal 4–47. No unfavorable comments were received on the proposal to revise § 123.15(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4–48. No unfavorable comments were received on the proposal to revise § 123.19(c). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 123.19(c) is withdrawn.

Proposal 4–49. No unfavorable comments were received on the proposal to revise § 123.27. Accordingly, the proposal is adopted without substantive change.

Proposal 4–50. No unfavorable comments were received on the proposal to revise § 123.41(a) (1). Accordingly, the proposal is adopted without substantive change.

Proposal 4–51. No unfavorable comments were received on the proposal to revise § 127.3. Accordingly, the proposal is adopted without substantive change.

Proposal 4–52. No comments were received on the proposal to revise § 127.21(b). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 127.21(b) is withdrawn.

Proposal 4–53. No unfavorable comments were received on the proposal to revise § 127.15 1 (a). Accordingly, the proposal is adopted without substantive change.

Proposal 4–54. For a discussion of comments relating to proposed § 127.212 and for the disposition of that proposal, see Proposal 4–39.

Proposal 4–55. No unfavorable comments were received on the proposal to revise § 127.249(b). Accordingly, the proposal is adopted without substantive change.

Proposal 4–56 through 4–60. These proposals are included in the Part 135 Regulatory Review Notice 77–17; Air Taxi Operators and Commercial Operators (42 FR 43490; August 29, 1977). Comments received on the proposed amendments to Part 135 in Notice 76–28 will be considered in conjunction with other comments received in response to Notice 77–17.

Proposal 4–61. No unfavorable comments were received on the proposal to amend § 137.19(e). Accordingly, the proposal is adopted without substantive change.

Proposal 4–62. No unfavorable comments were received on the proposal to delete Part 149 "Parachute Lofts" and transfer those requirements to a new Subpart E in Part 145. However, after further review, the FAA believes the incorporation of Part 149 into Part 145 as proposed would create redundancy in the rules and cause confusion. Accordingly, the proposal to amend Part 145 is withdrawn.

Proposal 4–63. No unfavorable comments were received on the proposal to revise § 145.17(b). After further review, the FAA believes the words "surrendered, suspended, or," should be reinserted between the words "sooner" and "revoked" in § 145.17(b) since they appear in current § 145.17(b). This oversight is corrected in the adopted rule since it was not a change intended by the proposal. Accordingly, the proposal to revise § 145.17(b) is adopted as proposed except for the revision discussed above.

Proposal 4–64. No unfavorable comments were received on the proposal to amend § 145.59(a). Accordingly, the proposal isadopted without substantive change.

Proposal 4–65. No unfavorable comments were received on the proposal to revise § 147.31(c)(1) and to add a new § 147.3 1(c)(2). After further review, the FAA believes that the following editorial changes should be made: (1) in the proposed § 147.31(c)(1) and to add a new § 147.31(c)(2). After further review, the FAA believes that the following editorial changes should be made: (1) in the proposed § 147.31(c)(1)(ii) the word "accreditation" is used in place of the word "certification" which appears in current § 147.31(c)(1). This oversight is corrected in the adopted rule since it was not the intent of the proposal to change the wording to accreditation; (2) the phrase "other than the crediting school" immediately following the word "accreditation" in proposed § 147.31(c)(1)(ii) was inadvertantly omitted and has been included in the final rule. Accordingly, the proposal to revise § 147.31(c)(1) and to add a new § 147.31(c)(2) is adopted as proposed except for the revisions discussed above.

Proposal 4–44. No unfavorable comments were received on the proposal to add a new § 123.1 1(b)(3). Accordingly, the proposal is adopted without substantive change.

Proposal 4–45. No unfavorable comments were received on the proposal to add a new § 123.12. Accordingly, the proposal is adopted without substantive change.

Proposal 4–46. No unfavorable comments were received on the proposal to revise § 123.13. Accordingly, the proposal is adopted without substantial change.

Proposal 4–47. No unfavorable comments were received on the proposal to revise § 123.15(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4–48. No unfavorable comments were received on the proposal to revise § 123.19(c). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 123.19(c) is withdrawn.

Proposal 4–49. No unfavorable comments were received on the proposal to revise § 123.27. Accordingly, the proposal is adopted without substantive change.

Proposal 4–50. No unfavorable comments were received on the proposal to revise § 123.41(a) (1). Accordingly, the proposal is adopted without substantive change.

Proposal 4–51. No unfavorable comments were received on the proposal to revise § 127.3. Accordingly, the proposal is adopted without substantive change.

Proposal 4–52. No comments were received on the proposal to revise § 127.21(b). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 127.21(b) is withdrawn.

Proposal 4–53. No unfavorable comments were received on the proposal to revise § 127.15 1 (a). Accordingly, the proposal is adopted without substantive change.

Proposal 4–54. For a discussion of comments relating to proposed § 127.212 and for the disposition of that proposal, see Proposal 4–39.

Proposal 4–55. No unfavorable comments were received on the proposal to revise § 127.249(b). Accordingly, the proposal is adopted without substantive change.

Proposal 4–56 through 4–60. These proposals are included in the Part 135 Regulatory Review Notice 77–17; Air Taxi Operators and Commercial Operators (42 FR 43490; August 29, 1977). Comments received on the proposed amendments to Part 135 in Notice 76–28 will be considered in conjunction with other comments received in response to Notice 77–17.

Proposal 4–61. No unfavorable comments were received on the proposal to amend § 137.19(e). Accordingly, the proposal is adopted without substantive change.

Proposal 4–62. No unfavorable comments were received on the proposal to delete Part 149 "Parachute Lofts" and transfer those requirements to a new Subpart E in Part 145. However, after further review, the FAA believes the incorporation of Part 149 into Part 145 as proposed would create redundancy in the rules and cause confusion. Accordingly, the proposal to amend Part 145 is withdrawn.

Proposal 4–63. No unfavorable comments were received on the proposal to revise § 145.17(b). After further review, the FAA believes the words "surrendered, suspended, or," should be reinserted between the words "sooner" and "revoked" in § 145.17(b) since they appear in current § 145.17(b). This oversight is corrected in the adopted rule since it was not a change intended by the proposal. Accordingly, the proposal to revise § 145.17(b) is adopted as proposed except for the revision discussed above.

Proposal 4–64. No unfavorable comments were received on the proposal to amend § 145.59(a). Accordingly, the proposal isadopted without substantive change.

Proposal 4–65. No unfavorable comments were received on the proposal to revise § 147.31(c)(1) and to add a new § 147.3 1(c)(2). After further review, the FAA believes that the following editorial changes should be made: (1) in the proposed § 147.31(c)(1) and to add a new § 147.31(c)(2). After further review, the FAA believes that the following editorial changes should be made: (1) in the proposed § 147.31(c)(1)(ii) the word "accreditation" is used in place of the word "certification" which appears in current § 147.31(c)(1). This oversight is corrected in the adopted rule since it was not the intent of the proposal to change the wording to accreditation; (2) the phrase "other than the crediting school" immediately following the word "accreditation" in proposed § 147.31(c)(1)(ii) was inadvertantly omitted and has been included in the final rule. Accordingly, the proposal to revise § 147.31(c)(1) and to add a new § 147.31(c)(2) is adopted as proposed except for the revisions discussed above.

Proposal 4–44. No unfavorable comments were received on the proposal to add a new § 123.1 1(b)(3). Accordingly, the proposal is adopted without substantive change.

Proposal 4–45. No unfavorable comments were received on the proposal to add a new § 123.12. Accordingly, the proposal is adopted without substantive change.

Proposal 4–46. No unfavorable comments were received on the proposal to revise § 123.13. Accordingly, the proposal is adopted without substantial change.

Proposal 4–47. No unfavorable comments were received on the proposal to revise § 123.15(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4–48. No unfavorable comments were received on the proposal to revise § 123.19(c). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 123.19(c) is withdrawn.

Proposal 4–49. No unfavorable comments were received on the proposal to revise § 123.27. Accordingly, the proposal is adopted without substantive change.

Proposal 4–50. No unfavorable comments were received on the proposal to revise § 123.41(a) (1). Accordingly, the proposal is adopted without substantive change.

Proposal 4–51. No unfavorable comments were received on the proposal to revise § 127.3. Accordingly, the proposal is adopted without substantive change.

Proposal 4–52. No comments were received on the proposal to revise § 127.21(b). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 127.21(b) is withdrawn.

Proposal 4–53. No unfavorable comments were received on the proposal to revise § 127.15 1 (a). Accordingly, the proposal is adopted without substantive change.

Proposal 4–54. For a discussion of comments relating to proposed § 127.212 and for the disposition of that proposal, see Proposal 4–39.

Proposal 4–55. No unfavorable comments were received on the proposal to revise § 127.249(b). Accordingly, the proposal is adopted without substantive change.

Proposal 4–56 through 4–60. These proposals are included in the Part 135 Regulatory Review Notice 77–17; Air Taxi Operators and Commercial Operators (42 FR 43490; August 29, 1977). Comments received on the proposed amendments to Part 135 in Notice 76–28 will be considered in conjunction with other comments received in response to Notice 77–17.

Proposal 4–61. No unfavorable comments were received on the proposal to amend § 137.19(e). Accordingly, the proposal is adopted without substantive change.

Proposal 4–62. No unfavorable comments were received on the proposal to delete Part 149 "Parachute Lofts" and transfer those requirements to a new Subpart E in Part 145. However, after further review, the FAA believes the incorporation of Part 149 into Part 145 as proposed would create redundancy in the rules and cause confusion. Accordingly, the proposal to amend Part 145 is withdrawn.

Proposal 4–63. No unfavorable comments were received on the proposal to revise § 145.17(b). After further review, the FAA believes the words "surrendered, suspended, or," should be reinserted between the words "sooner" and "revoked" in § 145.17(b) since they appear in current § 145.17(b). This oversight is corrected in the adopted rule since it was not a change intended by the proposal. Accordingly, the proposal to revise § 145.17(b) is adopted as proposed except for the revision discussed above.

Proposal 4–64. No unfavorable comments were received on the proposal to amend § 145.59(a). Accordingly, the proposal isadopted without substantive change.

Proposal 4–65. No unfavorable comments were received on the proposal to revise § 147.31(c)(1) and to add a new § 147.3 1(c)(2). After further review, the FAA believes that the following editorial changes should be made: (1) in the proposed § 147.31(c)(1) and to add a new § 147.31(c)(2). After further review, the FAA believes that the following editorial changes should be made: (1) in the proposed § 147.31(c)(1)(ii) the word "accreditation" is used in place of the word "certification" which appears in current § 147.31(c)(1). This oversight is corrected in the adopted rule since it was not the intent of the proposal to change the wording to accreditation; (2) the phrase "other than the crediting school" immediately following the word "accreditation" in proposed § 147.31(c)(1)(ii) was inadvertantly omitted and has been included in the final rule. Accordingly, the proposal to revise § 147.31(c)(1) and to add a new § 147.31(c)(2) is adopted as proposed except for the revisions discussed above.

Amendment 145–18

Amendments of Effective Date of Part 125 and Amendments Adopted in Relation to Part 125

Adopted: January 30, 1981 **Effective: April 1, 1981**

(Published in 46 FR 10902, February 5, 1981)

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the ***Federal Register*** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective in the next 60 days. This amendment consistent with the President's directive, postpones the effective date of new Part 125 and related amendments from February 1, 1981, to April 1, 198 1.

FOR FURTHER INFORMATION CONTACT: Harold E. Smith, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 755–8716.

SUPPLEMENTARY INFORMATION:

Background

Part 125 was published in the Federal Register on October 9, 1980, (45 FR 67214). That Part, and related amendments to parts 43, 9 1, 121, 123, 135, and 145 have an effective date of February 1, 198 1. On January 29, 198 1, the President issued a memorandum which directs that all agencies, by notice in the Federal Register, postpone for 60 days from January 29, 198 1, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that 60 day period. Part 125, and regulations adopted with it, fall within the scope of the President's memorandum.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational Federal regulations was among his priorities as President. He indicated that this program was especially important because of the country's economic climate.

In order to give his Administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full and appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulation, he directed the postponement of pending regulations.

Consistent with this view, I am by this notice postponing for 60 days the effective day of part 125.

Description of These Amendments

The effective date of Part 125 and of related Amendments 3-21, 91-169, 91-170A, 121-164, 123-9, 135-7, and 145-17 is changed from February 1, 198 1, to April 1, 198 1. In addition, in order to preserve the application and compliance procedure timing, certain dates specified in any of the related amendments listed in the preceding sentence are revised. However, although the effective date of Amendment 91–170A is changed from February 1, 198 1, to April 1, 198 1, the designation date of November 29, 1980, for applicable noise rules is unchanged.

Need for Immediate Adoption

The FAA realizes that the postponement of pending regulations may not be viewed by certain persons to be in their best interest. However, in accordance with the President's directive, the economic condition of the nation is such that the government must rethink the need and expense of each new regulation. For a new Administration and any new Department head to effectively accomplish this objective, some time is needed for adequate review. Sixty days is the minimum period to accomplish such a review and the impact of such a delay will be minimal. For these reasons, the FAA is convinced that good cause exists for postponing for up to 60 days this effective date of this rule for 60 days and that the end result of such a delay, a more cohesive and effective regulatory program, is in the public interest. For similar reasons and because of this rule is scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary

Amendment 145–18

Amendments of Effective Date of Part 125 and Amendments Adopted in Relation to Part 125

Adopted: January 30, 1981 **Effective: April 1, 1981**

(Published in 46 FR 10902, February 5, 1981)

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the ***Federal Register*** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective in the next 60 days. This amendment consistent with the President's directive, postpones the effective date of new Part 125 and related amendments from February 1, 1981, to April 1, 198 1.

FOR FURTHER INFORMATION CONTACT: Harold E. Smith, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 755–8716.

SUPPLEMENTARY INFORMATION:

Background

Part 125 was published in the Federal Register on October 9, 1980, (45 FR 67214). That Part, and related amendments to parts 43, 9 1, 121, 123, 135, and 145 have an effective date of February 1, 198 1. On January 29, 198 1, the President issued a memorandum which directs that all agencies, by notice in the Federal Register, postpone for 60 days from January 29, 198 1, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that 60 day period. Part 125, and regulations adopted with it, fall within the scope of the President's memorandum.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational Federal regulations was among his priorities as President. He indicated that this program was especially important because of the country's economic climate.

In order to give his Administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full and appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulation, he directed the postponement of pending regulations.

Consistent with this view, I am by this notice postponing for 60 days the effective day of part 125.

Description of These Amendments

The effective date of Part 125 and of related Amendments 3-21, 91-169, 91-170A, 121-164, 123-9, 135-7, and 145-17 is changed from February 1, 198 1, to April 1, 198 1. In addition, in order to preserve the application and compliance procedure timing, certain dates specified in any of the related amendments listed in the preceding sentence are revised. However, although the effective date of Amendment 91–170A is changed from February 1, 198 1, to April 1, 198 1, the designation date of November 29, 1980, for applicable noise rules is unchanged.

Need for Immediate Adoption

The FAA realizes that the postponement of pending regulations may not be viewed by certain persons to be in their best interest. However, in accordance with the President's directive, the economic condition of the nation is such that the government must rethink the need and expense of each new regulation. For a new Administration and any new Department head to effectively accomplish this objective, some time is needed for adequate review. Sixty days is the minimum period to accomplish such a review and the impact of such a delay will be minimal. For these reasons, the FAA is convinced that good cause exists for postponing for up to 60 days this effective date of this rule for 60 days and that the end result of such a delay, a more cohesive and effective regulatory program, is in the public interest. For similar reasons and because of this rule is scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary

Amendment 145–18

Amendments of Effective Date of Part 125 and Amendments Adopted in Relation to Part 125

Adopted: January 30, 1981 **Effective: April 1, 1981**

(Published in 46 FR 10902, February 5, 1981)

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the ***Federal Register*** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective in the next 60 days. This amendment consistent with the President's directive, postpones the effective date of new Part 125 and related amendments from February 1, 1981, to April 1, 198 1.

FOR FURTHER INFORMATION CONTACT: Harold E. Smith, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 755–8716.

SUPPLEMENTARY INFORMATION:

Background

Part 125 was published in the Federal Register on October 9, 1980, (45 FR 67214). That Part, and related amendments to parts 43, 9 1, 121, 123, 135, and 145 have an effective date of February 1, 198 1. On January 29, 198 1, the President issued a memorandum which directs that all agencies, by notice in the Federal Register, postpone for 60 days from January 29, 198 1, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that 60 day period. Part 125, and regulations adopted with it, fall within the scope of the President's memorandum.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational Federal regulations was among his priorities as President. He indicated that this program was especially important because of the country's economic climate.

In order to give his Administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full and appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulation, he directed the postponement of pending regulations.

Consistent with this view, I am by this notice postponing for 60 days the effective day of part 125.

Description of These Amendments

The effective date of Part 125 and of related Amendments 3-21, 91-169, 91-170A, 121-164, 123-9, 135-7, and 145-17 is changed from February 1, 198 1, to April 1, 198 1. In addition, in order to preserve the application and compliance procedure timing, certain dates specified in any of the related amendments listed in the preceding sentence are revised. However, although the effective date of Amendment 91–170A is changed from February 1, 198 1, to April 1, 198 1, the designation date of November 29, 1980, for applicable noise rules is unchanged.

Need for Immediate Adoption

The FAA realizes that the postponement of pending regulations may not be viewed by certain persons to be in their best interest. However, in accordance with the President's directive, the economic condition of the nation is such that the government must rethink the need and expense of each new regulation. For a new Administration and any new Department head to effectively accomplish this objective, some time is needed for adequate review. Sixty days is the minimum period to accomplish such a review and the impact of such a delay will be minimal. For these reasons, the FAA is convinced that good cause exists for postponing for up to 60 days this effective date of this rule for 60 days and that the end result of such a delay, a more cohesive and effective regulatory program, is in the public interest. For similar reasons and because of this rule is scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary

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case, it is unnecessary to make specific reference to "carry-on baggage" in § 121.285. Accordingly, § 121.285 is amended to remove any specific reference to carry-on baggage.

The amendment further changes § 121.285(c) to reflect that cargo can be carried aft of any bulkhead or divider in the passenger compartments when it is restrained to the emergency landing load factors in § 12 1.561(b)(3) and loaded in a specific manner. With this change in language, proposed § 12 1.285(d) becomes unnecessary and is deleted. As a consequence, Proposal 11–19 which would have added a reference to § 121.285(d) in § 121.589(a)(2), is no longer necessary and is withdrawn.

Proposal I *1–7*. The proposal to amend § 121.318(b)(4) would have provided that there be public address (PA) capability in all occupiable compartments of an aircraft, including lower lobe galleys when installed.

A number of commenters support the FAA proposed change to § 121.3 18(b)(4) stating that having an audible PA system in every compartment of the aircraft will be of great assistance to both passengers and flight attendants on board wide-body aircraft in an emergency.

One commenter recommended that the FAA change "in each occupiable compartment" in § 121.318(b)(4) to "each galley," since ''occupiable compartment" might be misconstrued to include areas such as avionics compartments or certain cargo compartments. The commenter states that such a change would fulfill the FAA's intent by making the PA system audible in all areas where it needs to be audible. In light of the comments received, the langauge of the proposal has been changed and § 121.3 18 is amended to require that the PA system be audible at all passenger seats, lavatories, and flight attendant seats and work stations. This revision will adequately ensure that flight attendants who may be in lower lobe galleys receive information disseminated through the PA system.

No unfavorable comments were received concerning the proposed compliance time, therefore, 1 2-year compliance time is adopted as proposed.

Proposal 1 1–7 also proposed to amend § 121.318(b)(5). That portion of the proposal is discussed later under Proposals Determined to be Burdensome.

Proposal *1 1–15*. This amendment to § 121.417(c) clarifies the intent of the rule by allowing training "for each type aircraft" rather than "on each type aircraft. '' Section 12 1.417(c) presently requires that each flight crewmember perform certain emergency drills and operate certain equipment during initial training and once each 24 calendar months during recurrent training "on each type aircraft" in which he or she is to serve. However, as indicated by reference to training devices in § 121.417(c)(6)(vii), the intent of this rule is that initial and recurrent training can be accomplished in either an airplane or in a training device approved under the training program requirements of § 121.407.

All commenters concur in the proposal and the change to § 12 1.417 is adopted as proposed.

Proposal I *1–16*. This amendment to § 12 1.439 relaxes requirements concerning pilot qualification and recent experience. The change allows a pilot who reestablishes recency of experience in an advance simulator to forego the present requirement of performing additional language in the aircraft. The amendment further provides that when a simulator is used to meet recency of experience requirements, each require flight crewmember position must be occupied by a qualified person and the simulator must be operated as if in a normal in-flight environment without benefit of the slew or freeze features.

One commenter objects to four specifics of the amendment to § 121.439: First, the commenter objects, on grounds of flight safety, to the importance of the V_1 engine cut as a required maneuver when the airplane must be used for reestablishing recency of experience. The maneuver, it states, is not necessary to ensure requalification proficiency in the context of § 121.439. The commenter states that recurrent training/proficiency checking requirements in Part 121 are adequate to ensure proficiency of this asymmetric thrust maneuver. The engine cut a V_1 is necessary and important. The maneuver is one of the most critical that a pilot can be called upon to make. A slow or incorrect response to a failed engine can result in loss of aircraft and life. Preforming an engine cut a V_1 is necessary to assure that a pilot who as gone 90 days or more without demonstrating proficiency is capable of conducting safe operations under Part 121.

Second, the commenter objects to the addition in proposed § 121.439(c) of a third landing (and takeoff) when the requirement of § 121.439(b)(2) is satisfied in a visual simulator not approved for the takeoff and landing maneuvers. Adding a third landing, argues this commenter, will only result in a nonproductive waste of check airman time. The FAA has reviewed the proposal in light of this comment and has determined that a satisfactory level of pilot proficiency is attained by retaining the present requirement for two landings in the airplane. A check airman is able to ensure that a pilot is proficiency by observing the pilot perform two landings in the airplane. In light of this fact, and in keeping with

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not previously required to be reported and repaired have resulted in aircraft continuing to operate in a condition adverse to the safety of its occupants.

One commenter objects to the proposal on the grounds that the maintenance reliability reports currently required by § 121.703 are more than adequate in assuring maintenance of the airplane.

The FAA has reconsidered the proposal in light of the comments and has determined that the maintenance reliability reports currently required are adequate in assuring maintenance of the airplane and that additional reporting requirements would place an economic burden on society without yielding a corresponding increase in benefits, thereby violating the intent of Executive Order 12291. Accordingly, the proposals to amend §§ 12 1.703 and 135.4 15 are removed from consideration.

***Proposal** 1 1–23*. This proposal would have amended § 145.11 to require that an application for a repair station certificate and rating, or for an additional rating, be submitted with duplicate copies of a list by type, make, or model, as appropriate, of the airframe, aircraft engine, propeller, appliance, or part thereof, for which the applicant seeks approval.

One comment was received in response to the proposal. It states that including the term "appliance" would cause an extraordinary amount of work on the part of the repair station.

Upon reconsideration, the FAA has determined that the information sought by this proposal is, in practice, already part of applications for repair station certificates and ratings. Under the current rule, the Administrator may prescribe that such information be provided and the applicant is often required to do so. Therefore, it is not necessary to amend § 145.11 to specifically require the additional information and the proposal is removed from consideration.

***Proposal** 1 1–27*. This proposal would have amended § 147.35 to require that each transcript issued to a student who graduates from an aviation maintenance technician school or who leaves before graduation contain the hours spent in each subject of instruction. All commenters oppose this change chiefly on the grounds that a costly and burdensome change in a school's computer system would be necessary to change the format of a school's transcript to comply with the proposal.

Upon reconsideration the FAA has determined that the proposal would not be beneficial since it would only be of use to a small number of students desiring to transfer partial credit for uncompleted courses to another school. Accordingly, the proposal to amend § 147.35 is removed from consideration.

Proposals Handled By Separate Rulemaking

Proposal 1 1–3 would amend § 121.291 to allow a Part 121 certificate holder to use the results of a successful full-scale emergency evacuation demonstration conducted by a manufacturer under Part 25, or by another part 121 certificate holder, rather than conduct its own full-scale emergency evacuation demonstration provided certain additional conditions are met. The proposal would also clarify requirements concerning successful demonstration of ditching procedures for those certificate holders who are operating a type and model of aircraft for which successful ditching procedures previously have been conducted by other certificate holders. Additionally, the proposal would provide for the inflation of one raft to provide a sufficient test of safety procedures.

Proposal 11–14 would amend § 121.391 to allow an aircraft operator to reduce the passenger-carrying capacity of its aircraft in specified situations by blocking passenger seats, thereby reducing the number of flight attendants required to be aboard the aircraft.

The FAA processed Proposal 11–3 (46 FR 61450; December 17, 1981) and Proposal 11–14 (46 FR 61489; December 17, 198 1) separately from the others contained in Notice No. 81–1 due to the public interest they generated.

Proposal 11–13 concerning erasure of cockpit voice recorder information, was substantially modified in light of comments received, thus placing it beyond the scope of the original Notice. This modified proposal will be published for public comment in a future rulemaking action.

Other Proposals Withdrawn

***Proposal** 11–4*. This proposal would have revised the aplicability statements of § 121.301 to prescribe instrument and equipment requirements for operators and persons on board the airplane, as well as for certificate holders.

One comment was received and it was in suport of the proposal. However upon further review the FAA has determined that the wording of current § 121.301 is correct especially when this subpart is considered in the larger context of Part 12 1. The rules contained in the other subparts of Part 12 1

not previously required to be reported and repaired have resulted in aircraft continuing to operate in a condition adverse to the safety of its occupants.

One commenter objects to the proposal on the grounds that the maintenance reliability reports currently required by § 121.703 are more than adequate in assuring maintenance of the airplane.

The FAA has reconsidered the proposal in light of the comments and has determined that the maintenance reliability reports currently required are adequate in assuring maintenance of the airplane and that additional reporting requirements would place an economic burden on society without yielding a corresponding increase in benefits, thereby violating the intent of Executive Order 12291. Accordingly, the proposals to amend §§ 12 1.703 and 135.4 15 are removed from consideration.

***Proposal** 1 1–23*. This proposal would have amended § 145.11 to require that an application for a repair station certificate and rating, or for an additional rating, be submitted with duplicate copies of a list by type, make, or model, as appropriate, of the airframe, aircraft engine, propeller, appliance, or part thereof, for which the applicant seeks approval.

One comment was received in response to the proposal. It states that including the term "appliance" would cause an extraordinary amount of work on the part of the repair station.

Upon reconsideration, the FAA has determined that the information sought by this proposal is, in practice, already part of applications for repair station certificates and ratings. Under the current rule, the Administrator may prescribe that such information be provided and the applicant is often required to do so. Therefore, it is not necessary to amend § 145.11 to specifically require the additional information and the proposal is removed from consideration.

***Proposal** 1 1–27*. This proposal would have amended § 147.35 to require that each transcript issued to a student who graduates from an aviation maintenance technician school or who leaves before graduation contain the hours spent in each subject of instruction. All commenters oppose this change chiefly on the grounds that a costly and burdensome change in a school's computer system would be necessary to change the format of a school's transcript to comply with the proposal.

Upon reconsideration the FAA has determined that the proposal would not be beneficial since it would only be of use to a small number of students desiring to transfer partial credit for uncompleted courses to another school. Accordingly, the proposal to amend § 147.35 is removed from consideration.

Proposals Handled By Separate Rulemaking

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> (a) Enables the beneficiary to obtain more immediate or substantial gains or values (which may or may not be measurable in monetary terms) than those which accrue to the general public (e.g., receiving a patent, crop insurance, or license to carry on a specific business); or
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Previous Notices

Consistent with the guidelines in Circular No. A–25, in recent years the FAA issued several notices of proposed rulemaking to establish a schedule of fees for various FAA activities (Notices 67–17, 67-18, and 78–6). The schedules were predicated, however, on the FAA's systemwide total cost of performing specific certification activities, and no attempt was made to distinguish the far greater costs incurred performing certification services overseas from costs incurred performing similar services in the United States. The proposed fee schedules were never implemented. Beginning in 1973, the Congress annually prohibited implementing fee schedules through language in the appropriations legislation for the Department of Transportation. In 1979, this prohibition was deleted from the appropriations legislation but included in Section 45 of the Airline Deregulation Act of 1978:

> Notwithstanding any other provision of law, neither the Secretary of Transportation nor the Administrator of the Federal Aviation Administration shall collect any fee, charge, or price for any approval, test, authorization, certificate, permit, registration, conveyance, or rating relating to any aspect of aviation (1) which is in excess of the fee, charge, or price for such approval, test, authorization, certificate, permit, registration, conveyance, or rating which was in effect on January 1, 1973, or (2) which did not exist on January 1, 1973, until all such fees, charges, and prices are reviewed and approved by Congress.

Before 1970, a liberal policy prevailed within the FAA regarding acceptance of applications for airman and air agency certificates by foreign nationals residing outside the United States. During the 1970's, however, the continuous expansion in worldwide demand for FAA certification services, along with the adverse movement of currency exchange rates against the U.S. dollar, placed an undue burden on FAA budgetary and manpower revenues.

Simultaneously, the appropriateness of this policy was called into question. The technical sophistication of many foreign civil aviation certification authorities has been strengthened by general economic growth and civil aviation technical assistance provided by the International Civil Aviation Organization (ICAO), the United States, and other nations. Overly free exportation of U.S. certificates could deter the development of competent, indigenous certification programs. The FAA wishes to avoid that result and to encourage foreign governments in developing aeronautical codes and administrative capabilities which would permit them to conduct their own certification functions.

For these reasons the Administrator began a practice of restricting recertification of foreign nationals, primarily through the requirement that the applicant show that such certification is required to operate or assure the continued airworthiness of U.S.-registered civil aircraft (need requirement). This need requirement was incorporated in regulations governing certification of foreign repair stations (14 CFR § 145.71). To further ensure consistent implementation of this practice, these amendments incorporate the need requirement in the Federal Aviation Regulations (14 CFR Parts 61, 63, 65 and 67) governing initial airman certification.

In 1980 Congress passed the International Air Transportation Competition Act of 1979, giving the Administrator authority to establish fee schedules for airman and repair station certificates issued outside the United States. Section 28 of that Act amends § 45 of the Airline Deregulation Act of 1978 to read as follows:

> Nothing in this section shall prohibit the Secretary of Transportation or the Administrator from collecting a fee, charge, or price for any test, authorization, certificate, permit,

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SUPPLEMENTARY INFORMATION:

Background

Subpart C, Part 145 of the FAR, Foreign Repair Station, has its origin in Civil Air Regulations (CAR) Part 52 by an amendment adopted in 1949 as § 52.38 (14 FR 623; February 11, 1949). The purpose of the amendment was to provide for the assurance of foreign repair station certificates for facilities located outside the United States where the Administrator found that ''. . . such agencies are needed for the maintenance, alteration, and repair of United States aircraft operated outside the United States."

The lack of repair agencies authorized to perform work on U.S.-registered aircraft in certain areas outside the United States at that time resulted in considerable inconvenience to aircraft owners, pilots,and operators conducting international flight operations. It was recognized that certification of foreign agencies, even those not staffed with holders of U.S. airman certificates, would expedite the maintenance, repair, and return to service of U.S. aircraft in those areas where certificated repair stations were not available. Consistent with the concept that the maintenance was to be performed on U.S.-registered aircraft in areas outside the United States, the scope of a certificated foreign repair station's authority provided for in § 52.38 was limited to "performance of work on aircraft which are used in operations conducted in whole or in part outside the United States. . . . .''

CAR Part 52 was revised in 1952 (17 FR 2981; April 5, 1952) with § 52.38 becoming § 52.50. When the Civil Air Regulations were recodified in 1962, CAR Part 52 became FAR Part 145, and CAR § 52.50 became FAR § § 145.71 and 145.73 (27 FR 6662; July 13, 1962).

On July 1, 1986, the FAA prepared two draft internal action notices which were later revised on October 3, 1986. The first addressed foreign repair station privileges and responsibilities under Part 145 and the eligibility of replacement parts for return to service on U.S.-registered aircraft. The second draft action notice addressed air carrier privileges and responsibilities under Parts 121 and 135 when using noncertificated sources for parts. The draft action notices did not represent new FAA policy.

Although it is not regular or required practice for the FAA to solicit comments on internal guidance material, such as action notices, the original notices were broadly circulated to be consistent with the FAA's practice of seeking constructive input and promoting international cooperation. The FAA received comments from 34 different entities including several foreign civil aviation authorities. Several of the commenters were of the opinion that existing rules and practices required substantive change, and that, to be in accordance with the Administrative Procedure Act, a rulemaking proceeding was appropriate.

In addition, the FAA received petitions from the Air Transport Association of America (ATA) (Docket No. 25 169) and the Regional Airline Association (RAA) (Docket Nos. 25 162 and 25 163). These petitions request changes to the FAR to clarify the rules and expand the availability of foreign repair stations and foreign aircraft manufacturers for the maintenance and alteration of U.S.-registered aircraft and components, whether or not such aircraft are used wholly or partly outside the United States. Related parts of these petitions have been considered in the preparation of this rule and are considered a part hereof. Issues in the petitions not within the scope of the Notice will be acted upon separately.

The civil aviation environment has changed significantly since the foreign repair station regulations were first adopted in 1949. More foreign-manufactured aircraft are being flown by U.S. operators, and the need for increased maintenance capability for U.S.-registered aircraft from both foreign manufacturers and U.S.-certificated foreign stations has dramatically increased in the past 39 years. This need is reflected by exemptions that have been granted in recent years related to maintenance and alternations performed by foreign repair stations. Exemptions to § § 145.71 and 145.73 have authorized certain U.S.-certificated foreign repair stations to perform work on foreign-manufactured products to be used on U.S.-registered aircraft that may not be operated outside the United States. Over 100 exemptions from the operating rules have also been issued to air carriers to permit them to use other than U.S.-certificated airmen (i.e., to use foreign manufacturers and foreign U.S.-certificated repair stations) to repair and return to service U.S.-registered aircraft and components under the provisions of the air carrier operating rules.

Many U.S. air carriers currently use foreign-manufactured aircraft and other aeronautical products. This use is partly a result of multinational consortiums and cooperative agreements to manufacture and market domestic and foreign products between U.S. and foreign manufacturers. In recent years, the type and number of aircraft and aircraft parts manufactured in foreign countries and used by U.S. operators in the United states have increased rapidly.

Many U.S. air carriers use foreign-manufactured aircraft and products as the prime elements of their fleets. United States commuter airlines are heavily dependent upon foreign manufactured aircraft. Due to the unavailability of modem U.S.-manufactured passenger aircraft in the 20–50 seat range, almost

SUPPLEMENTARY INFORMATION:

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Thus, the certification process for a foreign repair station is substantially the same as the process the FAA uses for domestic repair facilities and involves the same standards. If a foreign repair station has been found to be competent to repair a U.S.-registered aircraft operating wholly or partly outside of the United States, as permitted under the current rules, then it should be equally competent to make those same repairs for aircraft operating within the United States. When found properly qualified and certificated by the FAA, a foreign repair station, in accordance with FAA requirements and surveillance, can provide proper and safe maintenance and alteration on U.S.-registered aircraft and their components. This amendment does not change that fact.

Under current regulations for domestic repair stations, only an individual in a supervisory or inspection category need be certificated as an airman; consequently, a person performing routine maintenance need not be an FAA-certified airman. However, as to supervisory and inspection personnel, both the Civil Aeronautics Act of 1938 and its successor, the Federal Aviation Act of 1958, as amended, specifically provide that individuals employed outside the United States in charge of the inspection, maintenance, overhaul, or repair of aircraft, aircraft engines, propellers, or appliances may, to the extent that the Administrator may provide, be excepted from the requirement to hold an appropriate U.S. airman certificate. This statutory mandate was recognized in the adoption of the foreign repair station regulations in 1949. This exception, authorized by Congress, is being carried out by the FAA.

As to the contention that inadequate maintenance records are obtained from foreign repair stations because some languages do not have technical terms which can be translated into English, the ***Lexicon of Terms Used in Connection with International Civil' Aviation*** of the International Civil Aviation Organization (ICAO) provides for uniform use of such technical terms. Also, the ICAO Standards and Recommended Practices require adequate recordkeeping, regardless of the language.

In a letter to the FAA, the National Safety Council (NSC) recommends that the FAA not amend §§ 145.71 and 145.73. NSC is of the view that foreign repair stations should not provide modification, major repair, or overhaul work without inspection by U.S.-licensed personnel, unless the aircraft are operated wholly outside of the United States. NSC also refers to a contract with the U.S. Air Force Inspection and Safety Center (AFISC) who is familiar with foreign standards. According to the AFISC contact (as related by the NSC), no AFISC personnel would agree that foreign regulatory standards are equivalent to U.S. standards, and ''. . . if foreign nationals are doing our maintenance work, we could be in trouble.'' AFISC personnel, as well as NSC, are apparently of the opinion that the proposals as contained in the Notice are solely for monetary purposes and that the FAA did not consider the actual safety impact. On the other hand, the FAA is advised that the U.S. Air Force has relied heavily on foreign sources to repair its deployed assets for many years. Such reliance involving airframes, engines, and exchangeables increases Air Force readiness and sustainability by retaining these assets close to the operating locations where they would be used during conflict. Moreover, the Air Force has advised that ''. . . we have found the reliability of foreign work to be comparable to U.S. work."

FAA Surveillance

Six hundred and fifty-eight commenters contend that if the proposals in the Notice are adopted, the FAA would be unable to monitor foreign repair stations effectively, due to limited inspector personnel, and compliance monitoring and enforcement would be impossible. Among such commenters are the Transport Workers Union (TWU) and the Aeronautical Repair Station Association (ARSA). According to TWU, the ratio of FAA inspectors to air carrier operators has significantly decreased since deregulation. AR contends that there is a serious inadequacy in the FAA's inspection and enforcement system which has a direct bearing on these proposals. ARSA further states that its members have reported that the average interval between FAA physical plant inspections and document reviews ranges from 6 to over 36 months with the typical interval being 18 months. Many commenters express belief that the FAA is already stretched beyond its limits without incurring additional responsibilities.

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Two aeronautical authorities, from the United Kingdom and the Federal Republic of Germany, state that they do not believe there would be any increase in applications for FAA foreign repair station certificates if the proposals in the Notice are adopted because, during the past 18 months of debate on the foreign repair station issue, there has been little or no increase in the number of organizations (repair stations that are not U.S.-certificated) expressing an interest to either government for certification.

A large domestic repair station, generally supporting the Notice, contends that it is reasonable to project a reduction in the approximately 200 existing foreign repair station certificates by the end of 1988. This commenter bases this contention on several factors: (1) The FAA appears to have implemented

Thus, the certification process for a foreign repair station is substantially the same as the process the FAA uses for domestic repair facilities and involves the same standards. If a foreign repair station has been found to be competent to repair a U.S.-registered aircraft operating wholly or partly outside of the United States, as permitted under the current rules, then it should be equally competent to make those same repairs for aircraft operating within the United States. When found properly qualified and certificated by the FAA, a foreign repair station, in accordance with FAA requirements and surveillance, can provide proper and safe maintenance and alteration on U.S.-registered aircraft and their components. This amendment does not change that fact.

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As to the contention that inadequate maintenance records are obtained from foreign repair stations because some languages do not have technical terms which can be translated into English, the ***Lexicon of Terms Used in Connection with International Civil' Aviation*** of the International Civil Aviation Organization (ICAO) provides for uniform use of such technical terms. Also, the ICAO Standards and Recommended Practices require adequate recordkeeping, regardless of the language.

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One commenter, although a member of PAMA, disagrees with PAMA's stated opposition that the proposals would have a negative economic and trade balance impact. The commenter states that protectionism is a delicate art, and protectionism should be practiced by the consumer, not the government, to minimize retaliation. The commenter points out that the balance of payments is of concern to all U.S. citizens, but so is the ability to obtain aircraft maintenance in a timely manner by a qualified repair station in accordance with the Federal Aviation Regulations.

Other commenters supporting the proposals as contained in the Notice provide information specifically on the effect of the proposals on the national economy and the balance of trade, and submit supporting data. The ATA surveyed 14 of the largest ATA member airlines concerning work performed by foreign repair stations for those U.S. 'airlines, as well as the work performed by those airlines for foreign operators in 1987. Responses from these airlines indicate that approximately 104 million dollars' worth of work was performed by the U.S. air carriers for foreign operators in 1987. In contrast, approximately 89 million dollars' worth of work was performed for these airlines by foreign repair stations during the same period. Moreover, of this $89 million, approximately $11 million was not performed under the authority of the foreign repair station certificate, but was performed under the airlines' authority to contract maintenance under § 121.363(b) as well as under §§ 121.371(a) and 121.378(a) exemption authority. ATA also points out that U.S. domestic repair stations enjoy substantial advantages over foreign repair facilities in competing for repair work from U.S. air carriers in that they are located much closer to the center of the carrier's operations. This is particularly the case when the repair station is owned and operated by the U.S. carrier concerned.

ATA also surveyed 21 large U.S. organizations that work on transport airplaces and components. All of these organizations reported to ATA that they perform work for foreign operators who are operating in the United States. Ten of these organizations reported that 30 percent or more of their work is accomplished for foreign operators. Similarly, the results of a recent survey by IATA of its member airlines show an expenditure of approximately $184 million in 1987 by 20 foreign airlines for work performed by U.S. repair stations. Charts submitted by ATA and IATA set forth the use of maintenance by foreign operators in the United Stated and the resultant creation of jobs in this country.

To determine the economic impact of the proposed rulemaking on the domestic airlines, repair stations, aircraft manufacturers, and ultimately U.S. consumers, ATA and IATA jointly commissioned an economic analysis by Gellman Research Associates, Inc. As stated above, a copy of the Gellman analysis is enclosed with both the ATA an IATA comments. ATA is of the opinion that the Gellman analysis demonstrates that (1) The United States would not benefit by restricting international trade in aircraft maintenance; (2) the aircraft maintenance business does not contain the elements (such as economies of scale) required to provide economic benefits to a nation by restricting trade; and (3) even if an economic benefit from restricting trade in aircraft maintenance did accrue to repair stations, such restrictions would result in higher costs to aircraft operators, such as airlines, which could translate into higher rates and fares. The Gellman report concludes that the ultimate impact would be reduced demand for air transportation by consumers and shippers, accompanied by reduced earnings and employment for airlines.

Foreign commenters also submitted information to indicate that, in their opinion, the proposal in the Notice would not have a negative effect on the U.S. national economy or on the U.S. balance of trade. As referred to above, data taken from the records of the Association of European Airlines indicate that U.S. domestic repair stations enjoyed better than a two-to-one trade surplus in aircraft repair work. In the opinion of British Airways, the AEA figures indicate an increasing trend in favor of U.S. repair stations.

In promulgating the proposals contained in the Notice, the FAA expressed the view that the demand for maintenance services would continue to grow in the United States, as well as at foreign locations, and that the effects of the proposals in the Notice on the increase in foreign maintenance and on the existing work performed in the United States must be considered in the context of expected overall growth in the industry. In addition, the FAA stated that, in light of these views, the proposals would not adversely affect either the national economy or the U.S. trade balance. The FAA encouraged commenters to respond and submit supporting economic and trade data for any beneficial or adverse impacts that would be anticipated to occur should the proposed rules be adopted. Though the views expressed by the FAA were generally challenged by those opposing the proposals as a whole, no supportive economic or trade data were submitted by these commenters to indicate that any adverse impact would occur

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Public Works and Transportation). Mr. Crawford F. Brubaker, the Deputy Assistant Secretary of Commerce for the United States, testified at this hearing that many foreign governments had informed him that retaining existing geographic restrictions on foreign repair stations is inconsistent with the Agreement on Trade in Civil Aircraft which was negotiated pursuant to the General Agreement on Tariffs and Trade (GATT). In his testimony, Mr. Brubaker stated (page 8):

> However, if, in the view of our foreign trading partners this issue is not resolved in a prompt and fair manner, there is a possibility that a dispute action [GATT] might be filed by one or more signatories. Should any trading partner take counteraction, it could be detrimental to both our airlines and to our aircraft industry.

At this same hearing, Pratt & Whitney testimony (page 103) and Boeing Co. testimony (page 101) were to the effect that if foreign governments were to adopt regulations that narrowed their current foreign repair restrictions, the U.S. aviation maintenance industry would suffer a substantial loss of business. The Aerospace Industries Association of America declared that (pages 98 and 99):

> Any regulation that would restrict the free flow of trade in the international airline market would ultimately have a negative impact on the U.S. aerospace industry and the Nation's overall trade balance. Last year, the industry employed 1.3 million people. Loss of competitiveness in the world market could lead to a catastrophic loss of American jobs in this vital manufacturing sector.
>
> . . . Further, the imposition of trade restrictions is clearly not within FAA's purview and should be left to international negotiation. The use of FAA's regulations for protectionism will give rise to reciprocal actions from foreign airworthiness agencies and will undermine the FAA's worldwide credibility in safety.

Commenters raising this issue conclude that foreign retaliation could well result in reduced business by domestic repair stations. These commenters also contend that domestic airframe, engine, electronics, and equipment manufacturers could be targeted for retaliatory measures resulting in higher costs to their businesses, reduced demand for their products, and ultimately reduced earnings and employment.

Paperwork Reduction Act

Information collection requirements in the proposed amendments to § 135.443 have previously been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Number 2120–0039.

Regulatory Evaluation

In promulgating the proposals contained in the Notice, the FAA expressed the view that the demand for maintenance services will continue to grow in the United States as well as at foreign locations. The effects of the proposals in the Notice on the increase in foreign maintenance and on the existing work performed in the Untied States must be considered in the context of expected overall growth in the industry. In addition, the FAA stated that the proposal would not adversely affect either the national economy or the U.S. trade balance. The FAA further concluded that there would not be a large shift of jobs from the United States to foreign countries.

In light of the above views, the FAA encouraged commenters to respond and submit supporting factual economic and trade data for any anticipated beneficial or adverse impacts should the proposed rules be adopted. The FAA also solicited recommendations for better methods to achieve the objectives of the rules and rule changes proposed in the Notice. Though the views by the FAA were strongly challenged by those opposing the proposals as a whole, no supportive factual economic or trade information was submitted by these commenters to indicate how an adverse impact would occur to the national economy or trade balance should the proposed rules be adopted; nor were any recommendations submitted by these commenters for achieving the objectives of the rules. These commenters desire to retain the status quo and maintain the foreign repair station regulations adopted in 1949 as they are now set forth in Part 145.

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Paperwork Reduction Act

Information collection requirements in the proposed amendments to § 135.443 have previously been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Number 2120–0039.

Regulatory Evaluation

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PART 145—REPAIR STATIONS

Subpart A-General

Source: Docket No. 1157 (27 FR 7/13/62) effective 9/17/62, for each subpart, unless otherwise noted.

§ 145.1 Applicability.

(a) This part prescribes the requirements for issuing repair station certificates and associated ratings to facilities for the maintenance and alteration of airframes, powerplants, propellers, or appliances, and prescribes the general operating rules for the holders of those certificates and ratings.

(b) A certificated repair station located in the United States is called a "domestic repair station". A repair station located outside of the United States is called a "foreign repair station".

(c) A manufacturer of aircraft, aircraft engines, propellers, appliances, or parts thereof, may be issued a Repair Station Certificate with a limited rating under Subpart D of this part. Sections 145.11 through 145.79 do not apply to applicants for, or holders of, certificates issued under Subpart D of this part. Any facility where the holder of a certificate issued under Subpart D of this part exercises his privileges under that certificate may be referred to as a "manufacturer's maintenance facility. ''

(Amdt. 145–4, Eff. 10/1/66)

§ 145.2 Performance of maintenance, preventive maintenance, alterations and required inspections for an air carrier or commercial operator under the continuous airworthiness requirements of Parts 121 and 127, and for airplanes under the inspection program required by Part 125.

(a) Each repair station that performs any maintenance, preventive maintenance, alterations, or required inspections for an air carrier or commercial operator having a continuous airworthiness program under Part 12 1 or Part 127 of this chapter shall comply with subpart L of part 121 (except §§ 121.363, 121.369, 121.373, and 121.379) or subpart I of part 127 (except §§ 127.131, 127.134, 127.136, and 127.140) of this chapter, as applicable. In addition, such repair station shall perform that work in accordance with the air carrier's or commercial operator's manual.

(b) Each repair station that performs inspections on airplanes governed by part 125 of this chapter shall do that work in accordance with the inspection program approved for the operator of the airplane.

(Amdt. 145–17, Eff. 2/1/81); (Amdt. 145–18, Eff. 4/1/81); (Amdt. 145–18A, Eff. 2/3/81)

§ 145.3 Certificate required.

No person may operate as a certificated repair station without, or in violation of, a repair station certificate. In addition, an applicant for a certificate may not advertise as a certificated repair station until the certificate has been issued to him.

§ 145.11 Application and issue.

(a) An application for a repair station certificate and rating, or for an additional rating, is made on a form and in a manner prescribed by the Administrator, and submitted with duplicate copies of—

(1) [Reserved]

(2) Its inspection procedures manual;

(3) A list of the maintenance functions to be performed for it, under contract, buy another agency under § 145.49 or Appendix A; and

(4) In the case of an applicant for a propeller rating (class 2) or any accessory rating (class 1, 2, or 3), a list, by type or make, as applicable, of the propeller or accessory for which he seeks approval.

(b) An applicant who meets the requirements of this part is entitled to a repair station certificate with appropriate ratings prescribing such operations specifications and limitations as are necessary in the interests of safety.

(Amdt. 145–5, Eff. 6/21/66)

PART 145—REPAIR STATIONS

Subpart A-General

Source: Docket No. 1157 (27 FR 7/13/62) effective 9/17/62, for each subpart, unless otherwise noted.

§ 145.1 Applicability.

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(Amdt. 145–5, Eff. 6/21/66)

PART 145—REPAIR STATIONS

Subpart A-General

Source: Docket No. 1157 (27 FR 7/13/62) effective 9/17/62, for each subpart, unless otherwise noted.

§ 145.1 Applicability.

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(Amdt. 145–5, Eff. 6/21/66)

PART 145—REPAIR STATIONS

Subpart A-General

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(g) The applicant must provide adequate lighting for all work being done so that the quality of the work is not impaired.

(h) The applicant must control the temperature of the shop and assembly area so that the quality of the work is not impaired. Whenever special maintenance operations are being performed, such as fabric work or painting, the temperature and humidity control must be adequate to insure the airworthiness of the article being maintained.

§145.37 Special housing and facility requirements.

(a) In addition to the housing and facility requirements in § 145.35, an applicant for a domestic repair station certificate and rating, or for an 'additional rating, for airframes, power-plants, propellers, instruments, accessories, or radios must meet the requirements of paragraphs (b) to (f) of this section.

(b) An applicant for an airframe rating must provide suitable permanent housing for at least one of the heaviest aircraft within the weight class of the rating he seeks. If the location of the station is such that climatic conditions allow work to be done outside, permanent work docks may be used if they meet the requirements of § 145.35(a).

(c) An applicant for either a powerplant or accessory rating must provide suitable trays, racks, or stands for segregating complete engine or accessory assemblies from each other during assembly and disassembly. He must provide covers to protect parts awaiting assembly or during assembly to prevent dust or other foreign objects from entering into or falling on those parts.

(d) An applicant for a propeller rating must provide suitable stands, racks, or other fixtures for the proper storage of propellers after being worked on.

(e) An applicant for a radio rating must provide suitable storage facilities to assure the protection of parts and units that might deteriorate from dampness or moisture.

(f) An applicant for an instrument rating must provide a reasonably dust free shop if the shop allocated to final assembly is not air conditioned. Shop and assembly areas must be kept clean at all times to reduce the possibility of dust or other foreign objects getting into instrument assemblies.

§145.39 Personnel requirements.

(a) An applicant for a domestic repair station certificate and rating, or for an additional rating, must provide adequate personnel who can perform, supervise, and inspect the work for which the station is to be rated. The officials of the station must carefully consider the justifications and abilities of their employees and shall determine the abilities of its uncertificated employees performing maintenance operations on the basis of practical tests or employment records. The repair station is primarily responsible for the satisfactory work of its employees.

(b) The number of repair station employees may vary according to the type and volume of its work. However, the applicant must have enough properly qualified employees to keep up with the volume of work in process, and may not reduce the number of its employees below that necessary to efficiently produce airworthy work.

(c) Each repair station shall determine the abilities of its supervisors and shall provide enough of them for all phases of its activities. However, the Administrator may determine the ability of any supervisor by inspecting his employment and experience records or by a personal test. Each supervisor must have direct supervision over working groups but need not have over-all supervision at management level. Whenever apprentices or students are used in working groups on assemblies or other operations that might be critical to the aircraft, the repair station shall provide at least one supervisor for each 10 apprentices or students, unless the apprentices or students are integrated into groups of experienced workers.

(d) Each person who is directly in charge of the maintenance functions of a repair station must be appropriately certificated as a mechanic or repairman under Part 65 of this chapter and must have had at least 18 months of practical experience in the procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in the work for which the station is rated. Experience as an apprentice or student mechanic may not be counted in computing the 18 months of experience. In addition, at least one of the persons so in charge of maintenance functions for a station with an airframe rating must have had experience in the methods and procedures prescribed by the Administrator for returning aircraft to service after 100-hour, annual, and progressive inspections.

(e) Each limited repair station shall have employees with detailed knowledge of the particular maintenance function or technique for which it is rated, based on attending a factory school or long experience with the product or technique involved.

(Amdt. 145–3, Eff. 4/2/66); (Amdt. 145–6, Eff. 7/6/66)

(g) The applicant must provide adequate lighting for all work being done so that the quality of the work is not impaired.

(h) The applicant must control the temperature of the shop and assembly area so that the quality of the work is not impaired. Whenever special maintenance operations are being performed, such as fabric work or painting, the temperature and humidity control must be adequate to insure the airworthiness of the article being maintained.

§145.37 Special housing and facility requirements.

(a) In addition to the housing and facility requirements in § 145.35, an applicant for a domestic repair station certificate and rating, or for an 'additional rating, for airframes, power-plants, propellers, instruments, accessories, or radios must meet the requirements of paragraphs (b) to (f) of this section.

(b) An applicant for an airframe rating must provide suitable permanent housing for at least one of the heaviest aircraft within the weight class of the rating he seeks. If the location of the station is such that climatic conditions allow work to be done outside, permanent work docks may be used if they meet the requirements of § 145.35(a).

(c) An applicant for either a powerplant or accessory rating must provide suitable trays, racks, or stands for segregating complete engine or accessory assemblies from each other during assembly and disassembly. He must provide covers to protect parts awaiting assembly or during assembly to prevent dust or other foreign objects from entering into or falling on those parts.

(d) An applicant for a propeller rating must provide suitable stands, racks, or other fixtures for the proper storage of propellers after being worked on.

(e) An applicant for a radio rating must provide suitable storage facilities to assure the protection of parts and units that might deteriorate from dampness or moisture.

(f) An applicant for an instrument rating must provide a reasonably dust free shop if the shop allocated to final assembly is not air conditioned. Shop and assembly areas must be kept clean at all times to reduce the possibility of dust or other foreign objects getting into instrument assemblies.

§145.39 Personnel requirements.

(a) An applicant for a domestic repair station certificate and rating, or for an additional rating, must provide adequate personnel who can perform, supervise, and inspect the work for which the station is to be rated. The officials of the station must carefully consider the justifications and abilities of their employees and shall determine the abilities of its uncertificated employees performing maintenance operations on the basis of practical tests or employment records. The repair station is primarily responsible for the satisfactory work of its employees.

(b) The number of repair station employees may vary according to the type and volume of its work. However, the applicant must have enough properly qualified employees to keep up with the volume of work in process, and may not reduce the number of its employees below that necessary to efficiently produce airworthy work.

(c) Each repair station shall determine the abilities of its supervisors and shall provide enough of them for all phases of its activities. However, the Administrator may determine the ability of any supervisor by inspecting his employment and experience records or by a personal test. Each supervisor must have direct supervision over working groups but need not have over-all supervision at management level. Whenever apprentices or students are used in working groups on assemblies or other operations that might be critical to the aircraft, the repair station shall provide at least one supervisor for each 10 apprentices or students, unless the apprentices or students are integrated into groups of experienced workers.

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(e) Each limited repair station shall have employees with detailed knowledge of the particular maintenance function or technique for which it is rated, based on attending a factory school or long experience with the product or technique involved.

(Amdt. 145–3, Eff. 4/2/66); (Amdt. 145–6, Eff. 7/6/66)

(g) The applicant must provide adequate lighting for all work being done so that the quality of the work is not impaired.

(h) The applicant must control the temperature of the shop and assembly area so that the quality of the work is not impaired. Whenever special maintenance operations are being performed, such as fabric work or painting, the temperature and humidity control must be adequate to insure the airworthiness of the article being maintained.

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(a) In addition to the housing and facility requirements in § 145.35, an applicant for a domestic repair station certificate and rating, or for an 'additional rating, for airframes, power-plants, propellers, instruments, accessories, or radios must meet the requirements of paragraphs (b) to (f) of this section.

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(c) An applicant for either a powerplant or accessory rating must provide suitable trays, racks, or stands for segregating complete engine or accessory assemblies from each other during assembly and disassembly. He must provide covers to protect parts awaiting assembly or during assembly to prevent dust or other foreign objects from entering into or falling on those parts.

(d) An applicant for a propeller rating must provide suitable stands, racks, or other fixtures for the proper storage of propellers after being worked on.

(e) An applicant for a radio rating must provide suitable storage facilities to assure the protection of parts and units that might deteriorate from dampness or moisture.

(f) An applicant for an instrument rating must provide a reasonably dust free shop if the shop allocated to final assembly is not air conditioned. Shop and assembly areas must be kept clean at all times to reduce the possibility of dust or other foreign objects getting into instrument assemblies.

§145.39 Personnel requirements.

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(e) Each limited repair station shall have employees with detailed knowledge of the particular maintenance function or technique for which it is rated, based on attending a factory school or long experience with the product or technique involved.

(Amdt. 145–3, Eff. 4/2/66); (Amdt. 145–6, Eff. 7/6/66)

not necessary under the recommendations of the manufacturer of the article.

(b) An applicant for a rating for specialized services or techniques under § 145.33 must-

(1) For magnetic and penetrant inspection, have the equipment and materials for wet and dry magnetic inspection techniques, residual and continuous methods, and portable equipment for the inspection of welds both on and off the aircraft;

(2) For emergency equipment maintenance, have the equipment and materials to perform inspections, repairs, and tests of all kinds of inflated equipment, the re-packing, re-marking, re-sealing, and re-stocking of life rafts, and the weighing, refilling, and testing of carbon dioxide fire extinguishers and oxygen containers;

(3) For rotor blade maintenance, have the equipment, materials, and technical data recommended by the manufacturer; and

(4) For aircraft fabric work, have the equipment and materials to apply protective coatings to structures, machine stitch fabric panels, perform covering, sewing, and rib stitching operations, apply dope and paint using temperature and humidity control equipment, install patches, grommets, tapes, hooks, and similar equipment, and refinish entire aircraft and aircraft parts.

§ 145.51 Privileges of certificates.

A certificated domestic repair station may-

(a) Maintain or alter any airframe, powerplant, propeller, instrument, radio, or accessory, or part thereof, for which it is rated;

(b) Approve for return to service any article for which it is rated after it has been maintained or altered;

(c) In the case of a station with an airframe rating, perform 100-hour, annual or progressive inspections, and return the aircraft to service; and

(d) Maintain or alter any article for which it is rated at a place other than the repair station, if -

(1) The function would be performed in the same manner as when performed at the repair station and in accordance with §§ 145.57 to 145.61;

(2) All necessary personnel, equipment, material, and technical data is available at the place where the work is to be done; and

(3) The inspection procedures manual of the station sets forth approved procedures governing work to be performed at a place other than the repair station.

However, a certificated repair station may not approve for return to service any aircraft, airframe, aircraft engine, propeller, or appliance after major repair or major alteration unless the work was done in accordance with technical data approved by the Administrator.

(Amdt. 145–3, Eff. 4/2/66); (Amdt. 145–2, Eff. 7/6/64)

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§ 145.55 Maintenance of personnel, facilities, . equipment, and materials.

Each certificated domestic repair station shall provide personnel, facilities equipment, and materials at least equal in quality and quantity to the standards currently required for the issue of the certificate and rating that it holds.

§ 145.57 Performance standards.

(a) Except as provided in § 145.2, each certificated domestic repair station shall perform its maintenance and alteration operations in accordance with the standards in Part 43 of this chapter. It shall maintain, in current condition, all manufacturers' service manuals, instructions, and service bulletins that relate to the articles that it maintains or alters.

(b) In addition, each certificated domestic repair station with a radio rating shall comply with those sections of Part 43 of this chapter that apply to electric systems, and shall use materials that conform to approved specifications for equipment appropriate to its rating. It shall use test apparatus, shop equipment, performance standards, test methods, alterations, and calibrations that conform to the manufacturers' specifications or instructions, approved specification, and, if not otherwise specified, to accept good practices of the aircraft radio industry.

(Amdt. 145–5, Eff. 6/21/66); (Amdt. 145–6, Eff. 7/6/66); (Amdt. 145–7, Eff. 9/8/66)

not necessary under the recommendations of the manufacturer of the article.

(b) An applicant for a rating for specialized services or techniques under § 145.33 must-

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(2) For emergency equipment maintenance, have the equipment and materials to perform inspections, repairs, and tests of all kinds of inflated equipment, the re-packing, re-marking, re-sealing, and re-stocking of life rafts, and the weighing, refilling, and testing of carbon dioxide fire extinguishers and oxygen containers;

(3) For rotor blade maintenance, have the equipment, materials, and technical data recommended by the manufacturer; and

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(Amdt. 145–5, Eff. 6/21/66); (Amdt. 145–6, Eff. 7/6/66); (Amdt. 145–7, Eff. 9/8/66)

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(1) For magnetic and penetrant inspection, have the equipment and materials for wet and dry magnetic inspection techniques, residual and continuous methods, and portable equipment for the inspection of welds both on and off the aircraft;

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(d) Maintain or alter any article for which it is rated at a place other than the repair station, if -

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(1) The function would be performed in the same manner as when performed at the repair station and in accordance with §§ 145.57 to 145.61;

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(Amdt. 145–5, Eff. 6/21/66); (Amdt. 145–6, Eff. 7/6/66); (Amdt. 145–7, Eff. 9/8/66)

in the log or other record provided by the carrier for that purpose. Upon request, the station shall make all of its maintenance and alteration records available to the Administrator.

(c) Each certificated foreign repair station shall, within 72 hours after it discovers any serious defect in, or other recurring unairworthy condition of, any aircraft, power-plant, propeller, or any component of any of them, that it works on under this part, report that defect or unairworthy condition to the Administrator.

(d) The holder of a foreign repair station certificate that is also the holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization or that is the licensee of a Type Certificate need not report a failure, malfunction, or defect under this section if the failure, malfunction, or defect has been reported by it, under § 21.3 of this chapter or § 37.17 of this chapter.

(Amdt. 145–9, Eff. 4/2/70); (Amdt. 145–10, Eff. 3/24/70); (Amdt. 145–11, Eff. 6/26/70); (Amdt. 145–12, Eff. 9/28/70); (Amdt. 145–13, Eff. 11/30/70)

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Polish and buff,

Painting operations,

Remove from and reinstall on powerplants.

(ii) Inspect components, using appropriate inspection aids:

Inspect propellers for conformity with manufacturer's drawings and specifications,

Inspect hubs and blades for failures and defects, using magnetic or fluorescent inspection devices*,

Inspect hubs and blades for failures and defects, using all visual aids, including the etching of parts,

Inspect hubs for wear of splines or keyways or any other defect.

(iii) Repair or replace components: (Not applicable to this class).

(iv) Balance propellers:

Test for proper track on aircraft,

Test for horizontal and vertical unbalance (this test will be accomplished with the use of precision equipment).

(v) Test propeller pitch-changing mechanisms: (Not applicable to this class).

(2) Class 2. (i) Maintain and alter propellers, including installation and the replacement of parts:

All functions listed under paragraph (c)(l)(i) of this appendix when applicable to the make and model propeller for which a rating is sought,

Properly lubricate moving parts,

Assemble complete propeller and subassemblies, using special tools when required.

(ii) Inspect components, using appropriate inspection aids: All functions listed under paragraph (c)(1)(ii) of this appendix when applicable to the make and model propeller for which a rating is sought.

(iii) Repair or replace component parts:

Replace blades, hubs, or any of their components,

Repair or replace anti-icing devices,

Remove nicks or scratches from metal blades,

Repair or replace electrical propeller components.

(iv) Balance propellers: All functions listed under paragraph (c)(1)(iv) of this appendix when applicable to the make and model propeller for which a rating is sought.

(v) Test propeller pitch-changing mechanism:

Test hydraulically, propellers and components,

Test electrically operated propellers and components,

Test of constant speed devices*.

(d) An applicant for a radio rating must provide equipment and materials as follows:

(1) For a Class 1 (Communications) radio rating, the equipment and materials necessary for efficiently performing the job functions listed in paragraph (4) and the following job functions:

The testing and repair of headsets, speakers, and microphones.

The measuring of radio transmitter power output.

(2) For a Class 2 (Navigation) radio rating, the equipment and materials necessary for efficiently performing the job functions listed in paragraph (4) and the following job functions:

The testing and repair of headsets.

The testing of speakers.

The repair of speakers.*

The measuring of loop antenna sensitivity by appropriate methods.

The determination and compensation for quadrantal error in aircraft direction finder radio equipment.

The calibration of any radio navigational equipment, enroute and approach aids, or similar equipment, appropriate to this rating to approved performance standards.

(3) For Class 3 (Radar) radio rating, the equipment and materials necessary for efficiently performing the job functions listed in paragraph (4) and the following job functions:

The measuring of radio transmitter power output.

The metal plating of transmission lines, wave guides, and similar equipment in accordance with appropriate specifications.*

The pressurization of appropriate radar equipment with dry air, nitrogen, or other specified gases.

(4) For all classes of radio ratings, the equipment and materials necessary for efficiently performing the following job functions:

Perform physical inspection of radio systems and components by visual and mechanical methods.

Perform electrical inspection of radio systems and components by means of appropriate electrical and/or electronic test instruments.

Polish and buff,

Painting operations,

Remove from and reinstall on powerplants.

(ii) Inspect components, using appropriate inspection aids:

Inspect propellers for conformity with manufacturer's drawings and specifications,

Inspect hubs and blades for failures and defects, using magnetic or fluorescent inspection devices*,

Inspect hubs and blades for failures and defects, using all visual aids, including the etching of parts,

Inspect hubs for wear of splines or keyways or any other defect.

(iii) Repair or replace components: (Not applicable to this class).

(iv) Balance propellers:

Test for proper track on aircraft,

Test for horizontal and vertical unbalance (this test will be accomplished with the use of precision equipment).

(v) Test propeller pitch-changing mechanisms: (Not applicable to this class).

(2) Class 2. (i) Maintain and alter propellers, including installation and the replacement of parts:

All functions listed under paragraph (c)(l)(i) of this appendix when applicable to the make and model propeller for which a rating is sought,

Properly lubricate moving parts,

Assemble complete propeller and subassemblies, using special tools when required.

(ii) Inspect components, using appropriate inspection aids: All functions listed under paragraph (c)(1)(ii) of this appendix when applicable to the make and model propeller for which a rating is sought.

(iii) Repair or replace component parts:

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Repair or replace anti-icing devices,

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or major alterations, the work must have been done in accordance with FAA-approved technical, data. Similar requirements exist in § 127.140(b), which is applicable to air carriers utilizing helicopters, and in § 121.379(b) which is applicable to air carriers and commercial operators of large aircraft. In addition, under § 135.2, air taxi operators using large aircraft are subject to the requirements of § 121.379(b).

While FAA-approved major alteration data may be developed under the Designated Alteration Station (DAS) provisions of Subpart M of FAR Part 21, similar provisions do not exist under which FAA-approved major repair data can be developed by those certificate holders subject to the requirements of §§ 121.379, 127.140, and 145.5 1. Because of this, affected certificate holders have, in the past, been required to submit major repair data and supporting information to FAA Regional Offices on a case-by-case basis for approval. Due to the large number of major repairs being performed and the financial need to have damaged aircraft repaired and returned to service as quickly as possible, the requirement for applying for case-by-case approvals has proven to be especially burdensome to affected certificate holders. In this connection, the FAA has recently been receiving an increasing number of petitions for exemption from the provisions of §§ 121.379 and 145.5 1. Several exemptions have been issued, subject to a number of conditions and limitations, allowing air carriers and repair stations to utilize major repair data they have developed which have not been specifically FAA-approved. Based on the experience gained under these exemptions and in view of the increasing number of exemption requests, the FAA believes it appropriate to adopt an SFAR to provide similar relief to all affected certificate holders and to enable the FAA to obtain additional information that is needed to determine the course of action to be taken with respect to §§ 121.379(b), 127.140(b), and 145.51.

In general, the SFAR being adopted is based on the DAS provisions of FAR Part 21 and the conditions and limitations contained in the related exemptions which have been granted. The SFAR requires those desiring relief to have available qualified engineering personnel. The preparation of an FAA-approved procedure manual for the development of major repair data is also required. In addition, records relating to the major repair data developed and the products incorporating the major repairs are required to be kept. The FAA believes these requirements are necessary to ensure that an adequate level of safety is maintained. .

As indicated, affected certificate holders have been subjected to a severe burden under the provisions of §§ 121.379(b), 127.140(b), and 145.51, and the FAA believes that under the currently existing circumstances immediate relief is necessary. However, unless major repair data are developed under a system with adequate safeguards, using the data for a repair could result in a serious hazard to safety with respect to any aircraft incorporating the repair. The SFAR being adopted will provide an alternate means of compliance that will assure an equivalent level of safety to the existing requirements. Because of this and since no additional burden will be placed on any person, it is found that notice and public procedure hereon are impracticable and unnecessary and that good cause exists for making the amendment effective in less than 30 days. Nevertheless, since the SFAR is being adopted without prior notice and public procedure and is intended as interim rule-making action to enable the FAA to obtain information upon which to base a permanent rule change, interested persons are invited to submit comments on the new SFAR. Comments should be mailed to the Rules Docket, AGC–24, Federal Aviation Administration, Washington, D.C. 20591 and should reference the SFAR number. The FAA will consider all comments received in connection with any subsequent rule-making action to be taken with respect to the SFAR, and, if found to be justified, the FAA will initiate rule-making action with respect to the SFAR prior to its specified termination date.

Drafting Information

The principal authors of this document are Mr. Eli Newberger, Flight Standards Service, and Mr. Samuel Podberesky, Office of the Chief Counsel.

The Amendment

Accordingly, Special Federal Aviation Regulation No. 36 is adopted effective January 23, 1978.

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not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and its anticipated impact is so minimal that an evaluation is not required.

Special Federal Aviation Regulation 36–3

Development of Major Repair Data

Adopted: January 6, 1984 **Effective: January 31, 1984**

(Published in 49 FR 4354, February 3, 1984)

SUMMARY: This amendment extends the effectivity of Special Federal Aviation Regulation (SFAR) No. 36, which provides that repair stations, air carriers, air taxis, and commercial operators of large aircraft may accomplish major repairs using self-developed repair data which have not been specifically approved by the FAA. In addition, the regulation will continue to provide relief for persons from the burden of obtaining FAA approval of repair data on a case-by-case basis and allow time for the FAA to incorporate the SFAR provisions into the regulations.

Comments must be received on or before April 3, 1984.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 1755 1, 800 Independence Avenue, SW., Washington, D.C. 20591, or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Angelo R. Mastrullo, General Aviation and Commercial Branch, AWS–340, Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426–8203.

SUPPLEMENTAL INFORMATION:

Background

SFAR 36, which became effective on January 23, 1978, was issued to relieve qualifying certificated air carriers, air taxis, commercial operators, and repair stations of the burden of obtaining FAA approval of data developed by them for major repairs on a case-by-case basis. The certificate holders eligible for authorization under the SFAR are those employing adequately trained personnel and complying with specified procedural requirements.

SFAR 36 was adopted as an interim rulemaking action to obtain information upon which to base a permanent rule change. However, most of the affected certificate holders did not realize the provisions of SFAR 36 until it was well into its second year and near its expiration date of January 23, 1980. Since the FAA did not have sufficient data upon which to base a permanent rule change, the termination date for SFAR 36 was extended an additional 2 years, to January 23, 1982.

The FAA initiated rulemaking to consolidate certain authorizations along with those issued under SFAR 36 and make them a permanent part of the Federal Aviation Regulations. However, this rulemaking action was not completed and the termination date for SFAR 36 was extended for an additional 2 years, to January 23, 1984. Each authorization issued under this SFAR was made effective from the date of issuance until January 23, 1984. There are presently more than 20 certifIcated air carriers and repair stations holding SFAR 36 authorizations. For reasons unrelated to the subject matter of SFAR 36, the rulemaking project that had been continuing was canceled, and no new project is presently being developed. Consequently, to

not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and its anticipated impact is so minimal that an evaluation is not required.

Special Federal Aviation Regulation 36–3

Development of Major Repair Data

Adopted: January 6, 1984 **Effective: January 31, 1984**

(Published in 49 FR 4354, February 3, 1984)

SUMMARY: This amendment extends the effectivity of Special Federal Aviation Regulation (SFAR) No. 36, which provides that repair stations, air carriers, air taxis, and commercial operators of large aircraft may accomplish major repairs using self-developed repair data which have not been specifically approved by the FAA. In addition, the regulation will continue to provide relief for persons from the burden of obtaining FAA approval of repair data on a case-by-case basis and allow time for the FAA to incorporate the SFAR provisions into the regulations.

Comments must be received on or before April 3, 1984.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 1755 1, 800 Independence Avenue, SW., Washington, D.C. 20591, or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Angelo R. Mastrullo, General Aviation and Commercial Branch, AWS–340, Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426–8203.

SUPPLEMENTAL INFORMATION:

Background

SFAR 36, which became effective on January 23, 1978, was issued to relieve qualifying certificated air carriers, air taxis, commercial operators, and repair stations of the burden of obtaining FAA approval of data developed by them for major repairs on a case-by-case basis. The certificate holders eligible for authorization under the SFAR are those employing adequately trained personnel and complying with specified procedural requirements.

SFAR 36 was adopted as an interim rulemaking action to obtain information upon which to base a permanent rule change. However, most of the affected certificate holders did not realize the provisions of SFAR 36 until it was well into its second year and near its expiration date of January 23, 1980. Since the FAA did not have sufficient data upon which to base a permanent rule change, the termination date for SFAR 36 was extended an additional 2 years, to January 23, 1982.

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Conclusion

The FAA has determined that this document involves an amendment that imposes no additional burden on any person. Accordingly, it has been determined that: The action does not involve a major rule under Executive Order 1229 1; it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and because it is of editorial nature, no impact is expected to result and a full regulatory evaluation is not required. In addition, the FAA certifies that this amendment will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The Rule

In consideration of the foregoing the Federal Aviation Action amends the Federal Aviation Regulations (14 CFR Chapter I) effective October 25, 1989.

The authority citation for Part 121 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983).

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